

ORDINANCE NO. O-044-2013

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL ESTABLISHING AN AMNESTY PERIOD WITH REGARD TO COLLECTION OF LATE FEES AND OTHER PENALTIES RELATED TO UNPAID PARKING, RED LIGHT RUNNING AND SPEEDING CIVIL NOTICES OF VIOLATION AND AMENDING CHAPTER 86 "TRAFFIC AND VEHICLES," ARTICLE IX, "STOPPING, STANDING, AND PARKING REGULATIONS," DIVISION 6, "FEES, FINES, AND PENALTIES," BY ADDING SECTION 176.1. "EFFECT OF LIABILITY; EXCLUSION OF CIVIL REMEDY"

BE IT ORDAINED by the Lafayette City-Parish Council, that:

WHEREAS, Chapter 86, "Traffic and Vehicles," Article X, "Electronic Enforcement," Division 1, "Red Light Running," Section 86-178, "Imposition of civil penalty for violations enforced by a photographic traffic signal enforcement system," provides for additional penalties for late and/or non-payment of red light running civil notices of violation; and

WHEREAS, Chapter 86-182 (c) provides a provision whereby the Lafayette City-Parish Attorney is authorized to enforce collection of unpaid fines and/or related fees and penalties relating to electronic enforcement of red light running through courts of competent jurisdiction; and

WHEREAS, Chapter 86, "Use of City and Parish Roadways and Rights-of-Way for Traffic Control and Parking," Article X, "Electronic Enforcement," Division 2, "Vehicle Speed," Section 86-185, "Imposition of civil penalty for violations enforced by a photographic vehicle speed enforcement system," provides for additional penalties for late and/or non-payment of speeding civil notices of violation; and

WHEREAS, Chapter 86-189 (c) provides a provision whereby the Lafayette City-Parish Attorney is authorized to enforce collection of unpaid fines and/or related fees and penalties relating to electronic enforcement of speeding through courts of competent jurisdiction; and

WHEREAS, Chapter 86, "Traffic and Vehicles," Article VIII, "Traffic and Vehicles," Division 3, "Parking Notices of Civil Violation and Adjudication," Section 86-118, "Failure to respond to parking notice of civil violation; additional penalties," provides for additional penalties for late and/or non-payment of parking civil notices of violation; and

WHEREAS, there are approximately 11,800 unpaid parking, 6,400 unpaid red light running, and 11,800 speeding civil notices of violation totaling \$3.1 M which is owed to Lafayette City-Parish Consolidated Government; and

WHEREAS, the Lafayette City-Parish Consolidated Government wishes to afford citizens with unpaid civil notices of violation the opportunity to pay these civil notices of violation without paying additional penalties; and

WHEREAS, this amnesty period shall apply to all unpaid parking, red light running and speeding civil notices of violations from the effective date of this ordinance through April 30, 2013; and

WHEREAS, this amnesty period shall NOT prevent the immobilization, impoundment, or towing of “boot-eligible” vehicles for current parking violations when found parked on public property or streets.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of this ordinance.

SECTION 2: The Lafayette City-Parish Consolidated Government hereby declares an amnesty period from the effective date of this Ordinance through April 30, 2013 during which (1) all delinquent payment penalties imposed on delinquent parking, red light running, or speeding civil notices of violation shall be suspended, and (2) persons with unpaid parking, red light running and/or speeding civil notices of violation may pay the original penalty amount assessed for said civil notices of violation without the payment of additional penalties.

SECTION 3: Chapter 86 “Traffic and Vehicles,” Article IX, “Stopping, Standing, and Parking Regulations,” Division 6, “Fees, Fines, and Penalties,” is hereby amended by adding the following:

Sec. 86-176.1. Effect of liability; exclusion of civil remedy.

(a) The imposition of a civil violation penalty under this article shall not be considered a criminal conviction.

(b) The Lafayette City-Parish Attorney and/or a contractor selected in accordance with applicable laws is authorized to file suit to enforce collection of unpaid fines and/or related fees and penalties imposed under section 86-118 by any and all lawful means to secure such payments, including but not limited to initiating actions through a court of competent jurisdiction; or any other lawful means, all in accordance with applicable authority, laws and procedures.

(c) The director shall ensure, and shall so instruct any contractors selected pursuant to this section, that unpaid fines and/or related fees and penalties imposed under this division are enforced in the following manner:

(1) No fewer than 120 days after issuance of a final order under section 86-109, if a violation has incurred \$125.00 or more in delinquent penalties (not including late

payment penalties or administrative adjudication fees) within the three calendar years preceding issuance of the final order under section 86-109.

(2) The director shall transfer to the Lafayette City-Parish Attorney all original documents, if any. Upon receipt of all documents supplied to the contractor or collection agency, the Lafayette City-Parish Attorney shall enforce collection of all unpaid fines, fees, penalties, late payment penalties and administrative adjudication fees in a court of competent jurisdiction for vehicles registered with the Louisiana Department of Motor Vehicles. The Lafayette City-Parish Attorney may bring suit in the name of the Lafayette City-Parish Consolidated Government or may retain outside counsel to bring suit, in accordance with applicable laws, in the name of the Lafayette City-Parish Consolidated Government.

(3) The director or contractor, as applicable, shall supply to the Lafayette City-Parish Attorney, or outside counsel bringing suit, all materials and/or testimony necessary to support enforcement.

(4) The Lafayette City-Parish Attorney shall ensure defendants in enforcement suits authorized by this section have, until rendition of final judgment, the option of settlement by payment of all outstanding fines, fees, penalties, late payment penalties and administrative adjudication fees, as well as, court costs and filing fees incurred (whether prepaid or otherwise) in enforcement. No defendant in such suit shall be required to pay attorney's fees in connection with such settlement.

(5) The Lafayette City-Parish Attorney shall ensure that any money judgment obtained in a suit to enforce fines levied for violation of this division shall be recorded in the mortgage records of the Lafayette Parish Clerk of Court as a judicial mortgage against the property of the defendant.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall become effective upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

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ORDINANCE NO. O-149-2012

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL AMENDING THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES BY REPEALING CHAPTER 86, "USE OF CITY AND PARISH ROADWAYS AND RIGHTS-OF-WAY FOR TRAFFIC CONTROL AND PARKING," SECTION 86-1 AND SECTIONS 86-101 THROUGH 86-190 AND ADOPTING A NEW SECTION 86-1 AND SECTIONS 86-101 THROUGH 86-190

BE IT ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: It has been determined it is in the interest of public safety and welfare to modify portions of Chapter 86, "Use of City and Parish Roadways and Rights-of-Way For Traffic Control and Parking" of the Lafayette City-Parish Consolidated Government Code of Ordinances, specifically Section 86-1 and Sections 86-101 through 86-190.

SECTION 2: Chapter 86, "Use of City and Parish Roadways and Rights-of-Way For Traffic Control and Parking," Section 86-1 and Sections 86-101 through 86-190 of the Lafayette City-Parish Consolidated Government Code of Ordinances are hereby repealed and replaced with the following:

ARTICLE I. IN GENERAL

Sec. 86-1. Definitions

The following definitions of terms shall apply in this chapter and shall define each of said terms as the same may be used in this chapter except as the context may dictate otherwise:

Abandoned vehicle. A vehicle that has been parked or remains standing, in the street in excess of five days after the owner has been notified. The notification process shall be approved and implemented by the Director of Traffic and Transportation.

Access card. A card that is issued to a long-term parking lessee that can be inserted into a card reader that will allow access to a Lafayette City-Parish Consolidated Government owned parking facility. Such a card is the property of the Lafayette City-Parish Consolidated Government.

Authorized emergency vehicle. Fire department vehicles, police vehicles and ambulances that are publicly owned, and such other publicly or privately owned vehicles as are designated authorized emergency vehicles under the provisions of the Louisiana State Vehicle Code.

Axle. The common axis of rotation of one or more wheels, whether power-driven or freely rotating, whether in one or more segments and regardless of the number of wheels carried thereon.

Business. Selling, offering to sell or taking orders to sell goods or services, or accepting donations in exchange for goods or services.

Business district. The territory contiguous to and including a street where, within any 600 feet interval along such street, there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the street.

Central business district. The streets and portions of streets within the area bounded by Johnston Street, West Congress Street/Second Street, University Avenue and the segment of the railroad track between Second Street and Johnston Street.

Certificate of mailing. A receipt that shows evidence of mailing.

Chief. The Lafayette Police Chief, Lafayette Parish Sheriff, University of Louisiana at Lafayette Police Chief, Lafayette City Marshal, Lafayette Park Rangers or their respective designee.

City. City of Lafayette.

Commercial vehicle. A vehicle whose primary purpose is for business use, possessing a non-private, commercial, business or equivalent license plate.

Courtesy vehicle. A vehicle operated by or on behalf of a commercial entity in such a manner that a passenger of such a vehicle is not charged a fee for the provision of transportation.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline and/or a portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Cycle. A vehicle propelled solely by human power upon which a person may ride, having two or more tandem wheels, except scooters and similar devices; including bicycles, tricycles and quad cycles.

Delivery vehicle. A vehicle having a commercial or "truck" license plate and permanent (non-magnetic) marking on both sides of the vehicle, bearing the name of the business and which is used primarily to transport or deliver freight.

Department. The Traffic and Transportation Department except for Article X where it shall be Lafayette Police Department.

Director. The Traffic and Transportation Director or his designee except for Article X where it shall be the Chief of Police of the Lafayette Police Department.

Driver. A person who drives and is, or should be in actual physical control of a vehicle.

Fire department. Lafayette Fire Department and/or other volunteer fire department organized and existing within the parish.

Fire prevention personnel. Employees of the fire department authorized by the Director and/or by the fire department to issue civil notice of violations for fire lane and/or handicapped parking violations.

Footrace or walking event. Any event wherein an organized gathering of people would engage under some type of sponsorship in a footrace or other walking event on a public street with the potential of adversely impacting traffic flow and/or public safety.

Freight zone. A parking area marked by signs, and reserved for the exclusive use of service vehicles.

Gross weight. The weight of a vehicle without load plus the weight of a load thereon.

Handicapped parking stall. A parking area intended for the use by mobility-impaired individuals. The stall consists of the area from the outer edge of the stall stripe to the outer edge of the area striped for wheelchair unloading (if provided separately). It shall be a minimum width of 13 feet, except that one of every eight handicapped parking stalls servicing the same center shall be a minimum of 16 feet wide and have a sign designating it as "van accessible."

Hazardous material. Has the same meaning as that found in applicable state or federal legislation, as amended from time to time.

Hearing officer / Adjudicator. A licensed attorney designated by the Lafayette City-Parish Attorney who meets the qualifications contained within this chapter.

Human powered vehicle. A vehicle designed to be moved solely by human power.

Insufficient funds check. A customer's check returned by the financial institution because of insufficient funds, a closed account, or similar reasons which causes the institution to reject payment.

Intersection. (1) the place or area where two or more streets intersect; defined by the trailing edge of stop bars in the direction of vehicle travel or, if no stop bars are present, the area created by the projection of the curb lines through the intersection on curb and gutter streets and/or by the projection of the edge of pavement through the intersection of the crossing streets; or (2) Where a street includes two roadways greater than 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection, except where traffic signal equipment has been installed. (3) The junction of a street with an alley, however, shall not constitute an intersection. (4) Where a roadway with a stop line, yield line, or crosswalk is designated on the roadway on the intersection approach, the area within the crosswalk or beyond the designated stop line or yield line shall be part of the intersection. (5) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection shall include the area extending to the far side of the intersection.

La. R.S. or R.S. Louisiana Revised Statutes.

Loading zone. A space reserved for the exclusive use of vehicles during loading or unloading property and/or passengers.

Long-term parking. Those spaces reserved for the leaseholders by agreement in the Lafayette City-Parish Consolidated Government parking garages or other Lafayette City-Parish Consolidated Government parking facilities.

Medians. The area between opposing travel lanes of a street.

Motor vehicle. A vehicle driven or drawn by mechanical power and manufactured primarily for use on streets, but does not include a vehicle operated exclusively on a rail or rails.

Neutral ground. That area between the property line and the traveled surface of the roadway.

Normal work day. Those hours and days so designated by the Director wherein the Lafayette City-Parish Consolidated Government parking garages are operational.

Office of motor vehicles. Louisiana Department of Public Safety, Office of Motor Vehicles, or a similar agency in states other than Louisiana.

Official traffic-control device. All signs, signals, markings and devices consistent with this chapter or with the state vehicle code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Official vehicle, city, parish, state, or federal. A vehicle having a "Public" license plate and permanent (non-magnetic) markings on both sides of the vehicle, bearing the name of the official organization or department.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

Adjudication bureau. The body that has jurisdiction in determining responsibility for notices of civil violations provided for in this chapter.

Parking administrator. The division manager of the parking division of the Traffic and Transportation Department of the Lafayette City-Parish Consolidated Government or that person designated by the Director to act in administering those Sections related to parking and its enforcement.

Parking control officer. A person authorized by the Director to issue notices of civil violation of parking laws or ordinances.

Parking garage. A multilevel parking facility specifically designed and constructed for the purpose of storing parked vehicles for payment. This includes, but is not limited to, the "Parc-Auto du Centre-Ville" located at 121 East Vermilion Street and the South Buchanan Street Garage located at 815 South Buchanan Street.

Passenger loading zone. A place reserved for the exclusive use of vehicles receiving or discharging passengers.

Payment date. The date a violation is paid in person/electronically, or the U.S. Postal Service postmark date on an envelope received with related payments.

Pedestrian. A person afoot.

Police or police department. Lafayette Police Department, Lafayette City-Parish Consolidated Government's Parking control officers, the Lafayette Parish Sheriff's Office, Lafayette City Marshal, Park Rangers, and/or University of Louisiana at Lafayette Police, each within their respective jurisdiction.

Police barricade. Any impediment or structure erected or established by a police officer for crowd or traffic control to prevent and/or obstruct the passage of a person at the scene of a crime, an investigation, a demonstration or a parade area, including, but not limited to, wooden, rope, cable, wire or metal barricades or cordons, the posting of uniformed personnel, or other personnel otherwise identifiable as police officers.

Police officer. Every duly commissioned police officer authorized to direct or regulate traffic or to make arrests or issue notices of violations of traffic laws or ordinances.

Prescribed. When a right becomes unenforceable and legal action is thereafter barred.

Private motor vehicle. Any motor vehicle that is not operating as a licensed passenger carrier.

Residential area. A continuous or nearly continuous area containing public or private streets or parts thereof where residents dwell as provided in the zoning ordinances of City of Lafayette or, if not zoned residentially, an area where the actual land use is substantially residential.

Resident motor vehicle. A registered motor vehicle owned or leased by a resident of a residential permit parking area.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder, even though such sidewalk, berm or shoulder may be used by persons riding cycles or other human powered vehicles. In the event a street includes two or more separate roadways, the term "roadway" as used herein shall refer to a roadway separately but not to all such roadways collectively.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and so marked or indicated by official traffic-control devices as to be plainly visible while set apart as a safety zone.

Scofflaw. A person who mocks or scoffs at laws.

Service vehicle. A vehicle having a commercial or "truck" license plate and permanent (non-magnetic) marking on both sides of the vehicle bearing the name of the business and which carries, or contains, the tools and equipment necessary to complete repair or service work.

Semi trailer. A trailer having one or more load carrying axles, used with a motor vehicle so that some part of its own weight, and that of its own load, rests on or is carried by the motor vehicle.

Short-term parking. Those spaces available to the general public, which are not subject to lease agreements, within a parking garage.

Sidewalk. That paved portion of a street between the curb lines, or the lateral edges of a roadway, and the adjacent property lines, intended for use by pedestrians.

Sight triangle. A clear area defined where signs, trees, shrubbery, plant material are to be prohibited exceeding 36 inches from adjacent street grade so as to provide a minimum sight distance for vehicle drivers approaching streets which have the designated vehicular right-of-way.

Special event traffic plan. That plan defined by the Director and/or the chief including but not limited to Mardi Gras, festivals and parades.

Stand or standing. The halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.

State vehicle code. La. R.S. Title 32, "Motor Vehicles and Traffic Regulation," (R.S. 32:1, et seq.)

Stop. Complete cessation of movement.

Stop or stopping. When prohibited, means halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Street. Shall have the same meaning as in section 1-2 of this Code.

Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street for purposes of travel.

Traffic and Transportation department. The department of the Lafayette City-Parish Consolidated Government responsible for regulating the use of streets for traffic control and parking within the city and the unincorporated areas of Lafayette Parish.

Traffic control devices. Signs, signals, markings, and devices, consistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic control signal. A device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic crash. A traffic crash occurs when one or more vehicles collide with other vehicles, pedestrians, or traffic, as defined herein, or fixed objects on a street and/or intersection damaging any vehicle, traffic or fixed objects.

Traffic engineer. The Traffic and Transportation Director, or his designee, who serves as the Lafayette City-Parish Consolidated Government Traffic Engineer.

Traffic unit. The traffic unit of the police department, or in the event a traffic unit is not established, then said term whenever used herein shall be deemed to refer to the police department.

Trailer. A structure/unit with wheels and axle(s) without motor power, designed and/or constructed for transporting property, equipment, materials, animals or passengers, drawn or otherwise moved by a motor vehicle, animal or person.

Through street. A street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through street in obedience to a stop sign, yield sign, or other official traffic control device, when such signs or devices are erected.

Truck. A motor vehicle designed and used primarily for drawing other vehicles or for carrying a load.

Truck route. A street so designated by the traffic engineer for use by a commercial motor vehicle, truck tractor, trailer, semi trailer, or a combination thereof.

Truck-tractor. A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load drawn.

Unincorporated area. That area located within the parish that is not included in the legal boundary of incorporated cities and towns within the parish.

Urban district. The territory contiguous to and including a street that is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle. A unit with wheels designed or used to transport person or property.

Violator. An owner, operator or both of a vehicle that has been operated or parked in violation of the prohibitions contained in this chapter.

Wrecker. A truck or other motor vehicle used for towing, carrying or otherwise transporting any other vehicle which has been wrecked or disabled in any manner, from one place to another for hire, charge, fee or compensation or for any benefit amounting to a consideration.

Wrecker operator. Any person, firm, partnership, corporation or association engaged in the business of providing wrecker and towing service and/or providing facilities for the storage of motor vehicles in the city and/or parish.

ARTICLE VIII. TRAFFIC AND VEHICLES

DIVISION 1. GENERALLY

Sec. 86-101. Traffic engineer.

(a) The position of traffic engineer is hereby established. The traffic engineer shall be the Director, if he or she is a registered professional engineer in Louisiana, or a designee of the Director who is a registered professional engineer in Louisiana. The traffic engineer shall exercise the powers and duties as provided in this chapter.

(b) *Duties.* It shall be the general duty of the traffic engineer to determine the installation, maintenance and proper timing of official traffic-control devices, to conduct engineering analyses of traffic crashes and devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets of City-Parish Consolidated Government, to cooperate with other City-Parish Consolidated Government officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties granted and imposed by ordinances of City-Parish Consolidated Government.

(c) *Authority of traffic engineer.* The traffic engineer shall place and maintain official traffic-control devices when and as required under the traffic ordinances of City-Parish Consolidated Government to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as necessary to regulate, warn or guide traffic under the traffic ordinances of City-Parish Consolidated Government or the state vehicle code. Traffic-control signs, signals and devices shall conform to the Manual of Uniform Traffic Control Devices (MUTCD) and specifications approved by the Louisiana Department of Transportation and Development. Without limiting the authority granted herein to regulate, warn, and guide traffic, the traffic engineer, acting on the basis of an engineering and traffic investigation, shall also have the following specific authority, subject to the limitations in the state vehicle code or agreements between City-Parish Consolidated Government and Louisiana Department of Transportation and Development:

- (1) To designate crosswalks, safety zones, stops and stands for buses, taxicabs and other passenger common carriers; loading zones, and passenger loading zones.
- (2) To determine and establish the speed limit applicable to a street.

- (3) To regulate traffic movements and lanes by the use of regulatory traffic control devices.
- (4) To regulate the kinds and classes of traffic and the maximum size, number of axles and/or weight of vehicles permitted on a street or portion of a street.
- (5) To determine and designate lanes for the exclusive use of transit buses or high-occupancy vehicles, reverse-flow lanes, and commercial vehicle routes.
- (6) To regulate the stopping, standing, and parking of vehicles, including the installation of parking meters on streets and in city operated parking facilities.
- (7) To determine and designate truck and hazardous material routes subject to laws and/or regulations of this state or the federal government.
- (8) To test traffic-control devices under actual conditions of traffic subject to the laws and regulations of this state or the federal government; and
- (9) To establish fees in accordance with Article IX, Division 2, "Parking Meters" and Division 4, "Parking Garages and Surface Lots" of this chapter and corresponding City-Parish Council resolutions related to these fees.

Sec. 86-102. Sight triangle--Obstruction of view at intersections.

(a) It shall be unlawful to construct or maintain, or permit to remain, any fence, sign, movable object, hedges, bushes or other plants which exceed 36 inches in height measured from the street level on any lot where the fence, sign, movable object, hedges, bushes or other plants obstruct the line of sight at street intersections as defined in this section. The sight line and the curb lines of the major street and minor street represent sight triangles that are to be free from obstructions as noted in this section. The sight distance shall be measured from a point along the minor street intersection approach located 14.4 feet from the intersection of the centerline of the minor street with the curb line extension of the major street. This point shall be established at three and a half feet above the minor street pavement elevation. From this point a vehicle driver shall be able to view an object from a predetermined distance measured along the center of the lane of the intersecting major street. This object shall be visible from a height of three and a half feet above the pavement of the major street. The required distance varies with the posted and/or 85th percentile operating speed of the major street and the number of lanes on the major street. Sight distance for various speeds and number of lanes for the intersection roadways are specified in Table (A)1. The area required to be free from obstructions for intersections on the inside of a horizontal curve of a major street require additional sight distance restrictions than a street intersection at 90 degrees.

(b) The following table identifies the minimum clear sight distances and related areas to be free from obstructions for intersections of minor streets and major streets with various numbers of lanes and speed limits:

Table (A)1. Minimum Required Sight Distances/Required Sight Triangles *

Total number of lanes on major street	Minimum Cross Street/Intersection Sight Distances in Feet										
	posted speed limit on major street										
	20 mph	25 mph	30 mph	35 mph	40 mph	45 mph	50 mph	55 mph	60 mph	65 mph	70 mph
2	225	280	335	390	445	500	555	610	665	720	775
3	240	295	355	415	475	530	590	650	710	765	825
4	250	315	375	440	500	565	625	690	750	815	875
5	265	335	400	465	530	600	665	730	795	860	930

* 85 percent speed may be used in lieu of existing speed limit.

The value noted within Table (A)1 is measured in accordance with the following graphic figure:
GRAPHIC LINK: [TableA1](#)

(c) When the Director determines, upon the basis of engineering and traffic investigation, that a traffic hazard exists as noted in this section, the Director shall notify the owner by mail and order the hazard be removed within ten calendar days from receipt of said notification.

(d) Upon notification by the Director, the property owner shall remove any tree, shrub, sign, or other obstruction that restricts the view of motor vehicle operators that has been determined to constitute a traffic hazard by the Director.

(e) Failure of the property owner to comply with the Director's request to remove the obstruction identified by the Director within ten days shall constitute a misdemeanor and is subject to punishment in accordance with Section 1-9.

(f) Failure of the property owner to comply with the Director's request to remove the obstruction identified by the Director within ten days shall also constitute permission of the property owner for City-Parish Consolidated Government personnel to cause the removal of identified obstruction. Costs incurred by City-Parish Consolidated Government associated with this action shall be paid by the owner of the property. If not paid within 90 days from request to pay, a property tax lien shall be attached to the subject property.

(g) The provisions of this section shall apply to existing obstructions as well as to new construction of fences or signs or placement of movable objects, or new planting of hedges, bushes or other plants.

(h) Utility structures and traffic and/or street signs, where necessary as determined by the Director, and existing buildings are excluded from the provisions of this section.

Sec. 86-103. Designation of reserved parking for handicapped persons.

The Director is authorized to designate certain parking stalls, whether on public or private property, as reserved for handicapped persons and to erect and/or cause the installation of signs and/or markings to indicate such parking stalls are reserved for handicapped persons. The Director and/or fire prevention personnel are authorized to enforce compliance of same by owners and/or operators.

Sec. 86-104. One-way streets.

The traffic engineer may from time to time designate specified streets or portions of streets for one-way traffic only. Appropriate signs shall be erected giving notice of such designation, and it shall be unlawful to fail to comply with any such sign, signal or marking in the manner provided by R.S. 32:78(B).

Sec. 86-105. Designation of stop and yield intersections.

The traffic engineer may from time to time designate intersections or other places at which vehicles on a certain street or streets shall be required to stop and/or yield the rights-of-way to other vehicles or pedestrians. Suitable signs, signals or marking shall be erected giving notice of said designation, and it shall be unlawful to fail to comply with any such sign, signal or marking in the manner provided by R.S. 32:123.

Sec. 86-106. Turning regulations at specific places.

The traffic engineer may from time to time designate places and directions in which turning movements may be made or prohibited. Appropriate signs, signals or markings shall be installed giving notice of such designation, and it shall be unlawful to violate or fail to comply with any such sign, signal or marking.

DIVISION 2. ENFORCEMENT ADMINISTRATION OF CIVIL VIOLATIONS

Sec. 86-107. Civil nature of stopping, standing and parking violations, and electronic enforcement of red light running and speed limits.

The civil regulation of stopping, standing and parking (sometimes referred to as "parking" or "parking regulations"), and electronic enforcement of red light running and speed limits shall be governed by Article IX and Article X, respectively, of this chapter except those

violations identified in the state vehicle code and adopted pursuant to Section 86-2. Violation of a civil regulation in Article IX and Article X of this chapter, except those sections identified in the state vehicle code and adopted pursuant to Section 86-2, shall only be a civil violation and no criminal penalty shall be imposed for its commission. For purposes of this chapter, a violation is the violation of any provision of Article IX and Article X of this chapter providing for or regulating the parking or stopping of a vehicle, electronic enforcement of red light running and speed limits, and other regulations specified within this Code as may be amended.

Sec. 86-108. Adjudication Bureau established; functions, powers and duties.

There is hereby created and established, under the supervision of the Director, an adjudication bureau which shall have jurisdiction over civil notices of violations of regulations provided herein. The Director, with the concurrence of the City-Parish Attorney, shall contract for the services of a chief hearing officer and other such hearing officers who shall preside at hearings for the adjudication of violations herein. Each hearing officer shall be a resident of the parish and shall be a duly licensed attorney in good standing who has been admitted to the practice of law in Louisiana for a period of at least five years immediately preceding his selection. Hearing officers shall serve at the pleasure of the Director and shall not be considered employees of the City-Parish Consolidated Government.

The adjudication bureau shall have the following functions, powers and duties:

- (a) To accept admissions to, and to hear and determine contests of, violations herein.
- (b) To require the attendance of persons to give testimony at hearings, and to require the production of data and information, to the extent permitted by law.
- (c) To adjudicate violations for which a notice of civil violation has been issued herein.
- (d) To compile and maintain accurate records relating to notice of civil violations, violations and/or dispositions of violations and notice of civil violations.
- (e) Upon request, to prepare or provide transcripts or audio records of hearings conducted by the adjudication bureau and to furnish such transcripts or audio records to the requesting person at a reasonable cost.
- (f) To answer within a reasonable period of time relevant and reasonable inquiries made by a person charged with a violation, or his attorney, concerning the violation. The adjudication bureau shall also furnish within a reasonable period of time to the person charged, on a request, and upon complying with the regulations of the adjudication bureau, a copy of the original notice of civil violation.
- (g) The functions and duties identified herein may be performed by representatives of the Department, as directed by the Adjudication Bureau's hearing officers.

Sec. 86-109. Hearings for civil violation.

Disposition of civil violation

- (1) Every hearing requested for the adjudication of a charge of a violation under the authority herein shall be held before a hearing officer.
- (2) Hearings provided for by this chapter shall be conducted according to the procedures set forth in La. R.S. 13:2571.
- (3) The Lafayette City-Parish Consolidated Government shall have the burden of proving the violation, including proof that the vehicle described in the notice of civil violation was in violation of a law or ordinance, by a preponderance of evidence. There shall be a rebuttable presumption that, at the time of the violation, the vehicle was in the care, custody and control of the owner as shown in the latest available electronic databases of the Office of Motor Vehicles, or similar agency in states other than Louisiana.
- (4) The officer or other duly authorized person who issued the notice of civil violation shall not be required to appear at the hearing unless the person charged

with a violation has denied the offense occurred, and/or the hearing officer determines the presence of the officer or duly authorized person is required, subject to other provisions contained in Article X-Electronic Enforcement of this code. The hearing officer may grant a postponement of the scheduled hearing, if the officer or duly authorized person is not available at the time of the hearing.

- (5) At the conclusion of the hearing the hearing officer shall immediately render a decision, either finding the person charged responsible and assessing fines, fees and/or penalty, or declaring the violation unproven and/or invalid and declaring the person charged not responsible.

Sec. 86-110. Determination hearing(s) for immobilization, impoundment, towing of vehicle for unpaid civil violation(s) imposed pursuant to Article IX, Division 3 – Parking Notices of civil violation; Procedure for Release.

(a) Notwithstanding any other provision of this code, a vehicle with two (2) or more unpaid and/or delinquent civil violations imposed pursuant to Article IX, Section 3, Parking Notices of civil violation, or whose owner, having admitted responsibility for two or more civil violation(s) issued against the vehicle, fails to pay the fines and penalties assessed by the hearing officer within the time allowed, or whose owner, having been found responsible for two or more civil violation(s) issued against the vehicle, fails to pay the fines and penalties within the time allowed, may be declared eligible for immobilization, towing, or impoundment by finding of a hearing officer of the adjudication bureau only in accordance with the following procedure.

(b) Notice of Pendency of Action. Prior to any determination by a hearing officer that a vehicle is eligible to be immobilized, towed, or impounded, the owner of the vehicle shall be given notice via mail using the owner's address provided by the Department of Motor Vehicles, or similar agency in states other than Louisiana, of the pendency of an action to declare the vehicle eligible for immobilization, towing, or impoundment. This notice shall contain the following:

- (1) A description or identification of the unpaid and/or delinquent civil violation(s) which subject the vehicle to potential immobilization, towing, or impoundment;
- (2) A statement advising the vehicle owner that, as a result of the unpaid and/or delinquent civil violation(s) identified in the notice, the identified vehicle is the subject of a proceeding to declare the vehicle eligible for immobilization, towing, or impoundment;
- (3) A statement advising the vehicle owner of the procedure for protesting the determination of eligibility for immobilization, towing, or impoundment, including the opportunity to appear at a determination hearing requested within 30 days from the mailing of the notice, where the owner may present objections in person or submit a written protest in lieu of personal appearance; and
- (4) Other information deemed necessary by the Director.

(c) Eligibility Determination and Notice. If, after having conducted a determination hearing (if one was requested) or having considered a written protest (if one was submitted), the hearing officer finds the vehicle eligible for immobilization, towing, or impoundment, the hearing officer shall issue a finding declaring such, and the owner of the vehicle shall be given notice via mail of the finding. In the event no hearing is requested and no written protest is submitted, the hearing officer shall issue a finding of eligibility. The notice given shall contain the following:

- (1) A description of the unpaid and/or delinquent civil violation(s) which subject the vehicle to immobilization, towing, or impoundment;
- (2) A statement advising the owner that as a result of the unpaid and/or delinquent civil violation(s), his or her vehicle was the subject of a proceeding to declare said vehicle eligible for immobilization, towing, or impoundment;

- (3) A statement referencing the notice of pending action issued pursuant to subsection 2;
- (4) A copy of the hearing officer's finding declaring the vehicle eligible for immobilization, towing, or impoundment;
- (5) A statement advising the vehicle owner that the hearing officer's finding shall become enforceable 30 days after the date of its execution by the hearing officer; and that the vehicle referenced therein shall then be placed on the "boot-eligible list" and targeted for immobilization, towing, or impoundment, unless all unpaid and/or delinquent civil violation(s) are paid in full prior to expiration of that 30-day period; and
- (6) A statement advising the vehicle owner that he or she may request a hearing prior to expiration of that 30-day period to present objections to the finding, or may, prior to expiration of that 30-day period, submit a written protest in lieu of personal appearance.

(d) Post-determination Process; Eligibility Listing. If, within 30 days of a finding of eligibility under Subsection (c), the owner submits a written protest to, or requests a hearing to adjudicate, the determination of eligibility, a hearing officer shall consider the written protest, or objections of the owner at hearing, as the case may be, and shall make a finding confirming, or reversing, the determination of eligibility in light of the evidence available. The owner shall be given notice by mail of the hearing officer's finding in all cases.

(e) Finality of Eligibility and Execution. If within 30 days of the eligibility determination described in Subsection (c), neither written protest; nor request for hearing; nor payment in full of all unpaid and/or delinquent civil violations is received, the subject vehicle shall be placed on the "boot-eligible" list. The vehicle also shall be placed on the "boot-eligible" list if, after the post-determination process described at Subsection 4(d), the hearing officer confirms the determination of eligibility.

- (1) When found parked on public property or streets, the "boot-eligible" vehicle shall be immediately immobilized by usage of a boot device by the Director, or towed and impounded by the police department.
- (2) In the event an immobilization / boot device cannot immobilize the vehicle, the Director shall initiate a request to the police department to tow the vehicle. The police department shall notify the owner of record of the place of impoundment of the vehicle.
- (3) Immobilization of a vehicle shall cause a \$35 fee to be assessed against the owner.
- (4) If a vehicle has not been reclaimed within 24 hours after installation of an immobilization device, the Director shall notify the police department to commence towing and/or impoundment procedures. The police department shall notify the owner of record of the place of impoundment of the vehicle.

(f) Reclamation and Hearing to Challenge.

- (1) A vehicle immobilized, towed and/or impounded shall be released or surrendered to the owner only:
 - (A) Upon payment in cash, by money order or certified check of the entire amount owed for all civil violations outstanding against the vehicle, including fines, penalties and related fees; or
 - (B) Upon deposit in cash of the entire amount owed for all civil violations outstanding against the vehicle, including fines, penalties and related fees, with Lafayette City-Parish Consolidated Government's Revenue Collection Division, together with a written challenge of the immobilization, towing and/or impoundment.

- (2) Deposit of the appropriate cash amount together with a written challenge, as required by Subsection f (1) (B), shall cause a challenge hearing to be scheduled and notice of the hearing to be issued to the vehicle's owner. A hearing officer shall consider the written protest, or objections of the owner at hearing, as the case may be, and shall make a finding confirming, or reversing, the correctness of the immobilization, towing and/or impoundment in light of the evidence available. The owner shall be given notice by mail of the hearing officer's finding in all cases. Failure to appear at the hearing or to submit objections in writing shall forfeit the deposited cash.
- (3) If the hearing officer, in response to the challenge, finds the vehicle should not have been placed on the "boot-eligible" list, the deposited cash shall be refunded and the vehicle surrendered or released. The owner also shall receive a refund for any towing and/or storage fees incurred with the police department or the storage vendor.
- (4) Release or surrender to the owner shall cause a vehicle to be removed from the "boot-eligible" list.

(g) The department may enforce and administer Sections 86-107 through 86-110, or any parts thereof, through, but not limited to, immobilization, towing and/or impoundment of the vehicle; reporting debt to collection agencies/credit reporting agencies; and/or initiating actions through a court of competent jurisdiction, all in accordance with applicable authority, laws and procedures.

DIVISION 3. PARKING NOTICES OF CIVIL VIOLATION AND ADJUDICATION

Sec. 86-111. Prescription.

Unpaid and/or delinquent civil violations, whether issued under Article IX or Article X, shall not be counted for purposes of determining a vehicle's inclusion on the "boot-eligible" list three years or longer after each violation was issued. Notwithstanding the above, the passage of time shall not cause any vehicle's removal from the "boot-eligible" list.

Sec. 86-112. Parking notice of civil violation forms.

The parking notice of civil violation shall contain information concerning the nature, date, time and location of the alleged violation, the vehicle license plate number, issuing state and license plate expiration year, make and color of vehicle and the issuing officer identification number. In those cases where a license plate is not visible and/or legible, the vehicle identification number shall be used in lieu of the license plate number. In the case of overtime parking at a meter, the parking notice of civil violation shall identify the meter number at which the vehicle is parked. The parking notice of civil violation shall contain information advising the person charged of the manner and the time within which he may contest the parking notice of civil violation. The parking notice of civil violation shall also provide that failure to timely answer or appear before a hearing officer shall be considered a prima facie admission of the civil violation set forth in the parking notice of civil violation, in which event the hearing officer shall assess appropriate fine, fees and/or penalties incidental thereto.

Sec. 86-113. Service of parking notice of civil violations.

(a) A parking notice of civil violation shall be presented to the operator of a vehicle who is present at the time of service. If the operator is not present, the parking notice of civil violation shall be placed upon the vehicle noted in the violation notice in a conspicuous place. The original parking notice of civil violation shall bear the identification/badge number of the issuing officer. The issuance of such parking notice of civil violation shall constitute affirmation by the issuing officer of the truth of the facts set forth therein. An operator of a vehicle who is not the owner thereof, but who operates the vehicle with permission of the owner, expressed or implied, shall be considered the agent of the owner to receive a parking notice of civil violation required to be served upon the operator or registered owner of a vehicle in accordance with the provisions herein.

(b) In the event the registered owner or operator of a vehicle drives the vehicle away from or leaves the site of the parking notice of civil violation while the issuing officer is preparing the notice of civil violation, or refuses service of the parking notice of civil violation,

or discards the issued parking notice of civil violation, this fact shall be duly noted on the original and copies of the parking notice of civil violation. The original parking notice of civil violation shall constitute prima facie evidence the parking notice of civil violation was issued and that an attempt at service thereof was made in accordance with the provisions herein.

Sec. 86-114. Disposition of parking notice of civil violations.

(a) The parking notice of civil violation shall be processed in accordance with the procedures herein or other procedures as may be established and promulgated by the Director.

(b) Any person who has received a notice of civil violation issued under the authority herein and a criminal violation has been issued by any law enforcement agency arising out of the same set of facts as the civil parking notice of civil violation shall present the notice of civil violation and the criminal violation to the adjudication bureau. The hearing officer shall dismiss the notice of civil violation under these circumstances.

(c) The Director shall be an ex-officio deputy clerk of the adjudication bureau for the Lafayette City-Parish Consolidated Government, but only for the limited purpose of accepting custody of notices of civil violation filed under the authority of this Code of Ordinances.

Sec. 86-115. Parking notice of civil violation as legal demand and prima facie evidence.

The original parking notice of civil violation or a true copy thereof shall constitute an ordinary business record of the City-Parish Consolidated Government and prima facie evidence of the facts contained therein.

Sec. 86-116. Responsibility of owner and operator.

(a) Except as provided in subsection (b) of this section, when the owner and the operator are not the same, the owner shall be solely liable for parking violations, unless the owner can prove the vehicle was operated without his consent, express or implied. An owner who pays parking fines, costs, or administrative fees pursuant to this chapter shall have the right to recover same from the operator of the vehicle when the violation occurred by filing a civil suit outside the regulations contained in this chapter.

(b) An owner of a vehicle who is engaged in the business of renting or leasing vehicles underwritten rental or leasing agreements (lessor) shall not be responsible for parking fines and penalties imposed on the lessee of such a rented or leased vehicles if within 30 days after receiving written notice of the parking notice of civil violation, the owner provides, in affidavit form, the true name, address, and driver's license number with the state of issuance of the lessee at the time of the issuance of the parking notice of civil violation, or provides a true copy of the lease or rental agreement.

(c) If the lessor complies with the above provision of subsection (b), the parking fines and penalties shall be assessed to the lessee. A notice shall be provided by mail to the lessee at the address provided by the lessor and/or verified by the office of motor vehicles.

(d) A lessor who fails to comply with the provisions of subsection (b) shall be treated as any other vehicle owner and/or the operator of the subject vehicle.

(e) If an owner of a motor vehicle receives a parking notice of civil violation during the period where the cited vehicle was reported to the police department as having been stolen, such parking notice of civil violation shall be administratively dismissed by the Director.

Sec. 86-117. Responding to parking notices of civil violation.

(a) A person to whom a parking notice of civil violation has been issued under this chapter is directed to respond in the manner and within the time period indicated on the parking notice of civil violation. A response may take the form of:

- (1) Admission of the violation, with payment of the civil penalty fine amounts.
- (2) A written denial of liability, and acknowledgement/agreement to appear on or before a designated adjudicatory hearing date.

(3) A written admission of liability, with explanation and acknowledgement/agreement to appear on or before a designated adjudicatory hearing date; or

(4) No contest of the parking notice of civil violation, with payment of the scheduled civil penalty fine amounts.

(b) Payment of the civil penalty amount may be made by mailing the parking notice of civil violation along with a personal check, money order or bank certified check to the Lafayette City-Parish Consolidated Government. Violations of Section 86-110, however, must be paid in cash, by money order or bank certified check. (Personal check payment will not be accepted for violations of these sections of the Code). Vehicle owners may contest actions related to Section 86-153, in writing, and may deposit cash funds with Lafayette City-Parish Consolidated Government Revenue Collection Division in lieu of other forms of payment. Payment of the civil penalty fine amounts established herein shall represent a final disposition of the case.

(c) The Director shall also have authority to promulgate other payment methods that are consistent with the intent of this section.

Sec. 86-118. Failure to respond to parking notice of civil violation; additional penalties.

If the owner, his agent or the operator fails to respond in accordance with Section 86-117 within 15 days from the date appearing on the parking notice of civil violation, by either paying or appearing for an administrative hearing on or before the date indicated on the face of the parking notice of civil violation, there shall be assessed an additional penalty, as set forth below.

(a) Violations of sections 86-128 or 86-136(a), shall not be assessed an additional penalty.

(b) Violations of all other sections of Article IX shall be assessed an additional penalty equal to the original fine amount.

(c) Failure to respond within the time period indicated on the face of the parking notice of civil violation shall be deemed as an admission of liability and shall result in the vehicle bearing the license plate listed on the parking notice of civil violation to be immobilized by a boot device and/or towed and/or impounded, subject to Section 86-110 paragraph 2.

Sec. 86-119. Notice of hearing for parking notices of civil violation.

Whenever a person charged with a parking notice of civil violation denies liability or admits liability with explanation, the person charged with the parking notice of civil violation may appear to answer the charges at an administrative hearing on the date set by the adjudication bureau, or on or before the date identified on the face of the parking notice of civil violation or within 15 days from the date of issuance. The form and content of such notice of hearing shall be determined by the Director, and shall indicate failure to appear on or before the date designated, or on a subsequent date to which the hearing is adjourned or rescheduled by a hearing officer, shall be deemed an admission of liability.

Sec. 86-120. Adjudication by mail for parking notices of civil violation.

(a) In a case where a person charged with a parking notice of civil violation shows good cause as determined by the Director for not attending a hearing, either personally or through a representative, they shall be required to submit a written explanation and supporting evidence to the hearing officer prior to the date of the scheduled hearing. Letters, memoranda, affidavits, photographs, or other documentary materials provided by the person charged shall be admissible as evidence for the purpose of adjudication by mail as well as any materials provided by the parking administration staff. The hearing officer may exclude from consideration material that is not relevant to the adjudication of the alleged violation. The decision of the hearing officer shall be provided, via mail, to the owner by the parking administration staff.

(b) If a hearing officer determines additional information is required, the adjudication bureau shall advise the person identified in the notice of civil violation by mail. The person charged shall be given a maximum of 30 days to respond to the hearing officer.

Sec. 86-121. Failure to appear at a hearing for parking civil notice of violation.

(a) In the case where a person identified as being responsible for a parking civil notice of violation is unable to attend the administrative hearing on the date scheduled on the face of the parking notice of civil violation, the person identified as being responsible shall make a formal request for a postponement in writing to the hearing officer. The written request for a postponement must be submitted prior to the date of the hearing noted on the face of the parking notice of civil violation. The hearing officer may allow a maximum of one postponement. Failure of the person charged to attend the administrative hearing after requesting and receiving a postponement shall constitute an admission of liability and shall subject the person to the appropriate fine and/or penalties assessed by the adjudication bureau. The vehicle bearing the license plate identified in the parking notice of civil violation may be immobilized by a boot device and/or towed and/or impounded, subject to Section 86-110, paragraph 2.

(b) Failure to appear at a scheduled hearing, or a hearing postponed by a hearing officer, when required shall constitute an admission of liability of the violation and shall subject the person charged to the appropriate fines and penalty assessed herein or by reference, and/or may subject the vehicle with the license plate identified in the parking notice of civil violation to be immobilized by a boot device and/or towed and/or impounded, subject to Section 86-110, paragraph 2.

Sec. 86-122. Judicial review.

The decision of the hearing officer shall be the final decision by Lafayette City-Parish Consolidated Government. A person or persons aggrieved by a decision may file a petition for judicial review to the district court of the parish, within 30 days after the date of entry of the decision.

Sec. 86-123. Method of notice.

A notice permitted or required to be given under this chapter shall be considered given when delivered personally to the operator, or by mail postage prepaid, to the registered owner, at the address provided by the office of motor vehicles or related registration agencies for vehicles not registered in Louisiana, or to a lessee at the address provided by the lessor, and/or to other persons truthfully nominated as having the care, custody and control of the subject vehicle for electronic enforcement violations as prescribed in Article X.

Sec. 86-124. Reserved.**ARTICLE IX. STOPPING, STANDING, AND PARKING REGULATIONS****DIVISION 1. GENERALLY****Sec. 86-125. Normal parking on street.**

No person shall stand or park a vehicle on a street other than parallel with the edge of the street headed in the direction of lawful traffic movement. The wheels of the vehicle nearest the curb shall be within 18 inches of the curb or edge of the street except where angular parking is permitted as indicated by signs or pavement markings.

Sec. 86-126. Parking or stopping passenger curb loading zones.

No person shall stop or park a vehicle other than for the expeditious receiving or discharging of passengers in a place marked as a passenger-loading zone, and then, for a period not to exceed three minutes as per the parking control officers time observance.

Sec. 86-127. Parking in a freight zone.

(a) No person shall stop or park a vehicle for a purpose or period of time, other than for the expeditious loading and unloading of freight, or the for expeditious completion of repair or service work in a place signed as a loading, freight only, or freight zone. No vehicle shall remain in a loading zone, freight only, or freight zone when not actively loading or unloading unless the vehicle meets the definition of a delivery vehicle or service vehicle.

(b) A delivery vehicle shall be allowed to remain in a loading zone, freight only or freight zone for 20 minutes or for a period of time when loading and unloading of the vehicle is in progress, whichever is longer.

(c) Loading zones, freight only or freight zones may be used for expeditious receiving or discharging of passengers when such stopping does not interfere with a delivery vehicle.

Sec. 86-128. Restricted area of parking spaces for handicapped persons.

(a) The Director is authorized to designate certain parking stalls and/or spaces (whether on public or private property) as reserved for handicapped persons. "Public facility," as the term is used herein, shall be as defined in R.S. 40:1732, as amended from time to time, and shall include private property which is open to the public and to which the public is invited for commercial or governmental purposes. Parking stalls and/or spaces that are designated as reserved for handicapped persons under this section shall be so designated by the erection and/or installation of signs and/or application of pavement markings by the property owner and/or operator of the premises.

(b) An owner or operator of a public or private facility who fails to provide, maintain and/or remove the signs and/or markings or keep free from obstruction spaces reserved and designated for the exclusive use of vehicles bearing a handicapped license plate or handicapped parking placard may be cited by fire department officials. Violations of this provision shall be subject to a fine in the amount identified in section 86-174. Each day of non-compliance shall be deemed a separate offense.

(c) No person shall stop, park a vehicle, trailer, equipment, apparatus, portable buildings or any items in or otherwise block an appropriately designated parking space for the handicapped, except those persons that meet the requirements herein. Only vehicles displaying an official license plate, placard, or permit indicating a handicapped status issued by this state, another state, or the federal government are authorized to park in stalls or spaces specifically reserved for handicapped persons.

(d) A stall or space designated as reserved for use by a handicapped person shall consist of the area from the outer edge of the stall stripe to the outer edge of the area striped for wheelchair loading/unloading (if provided separately). It shall be a minimum width of 13 feet, except that one of every eight handicapped parking stalls servicing the same location shall be a minimum of 16 feet wide and have a sign designating it as "van accessible."

(e) Any person that has been issued an official, handicapped parking placard or permit identified in subsection (c) of this section who fails to properly display as required by the issuing state agency, shall be subject to a fine in the amount identified in section 86-174. Failure to pay this fine, or appear at an adjudicatory hearing or failure to pay the fine assessed by the adjudication bureau after having been found responsible shall cause the person charged to pay an additional penalty in the same amount as the original fine.

(f) The state-issued placard or permit is designed to be hung from the vehicle's front windshield rear view mirror. If the permit/placard is unable to be hung from the front rear view mirror, it must be displayed on the vehicle's front dashboard on the driver's side.

Sec. 86-129. Restricted use of bus stop.

No person shall stop a vehicle, other than a bus, in an officially-designated bus stop area, except the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaging in loading or unloading passengers, and when such stopping does not interfere with City-Parish Consolidated Government transit/bus operations. Such vehicles, when stopping, shall be located parallel to and within 18 inches of the curb.

Sec. 86-130. Regulations not exclusive.

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions or conditions prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

Sec. 86-131. Stopping or parking prohibited on certain dates during certain hours.

When a traffic control device is erected for a specific area giving notice that stopping or parking is prohibited on certain dates, or during certain hours, no person shall stop or park a vehicle on a street during those hours or those dates set forth on the device.

Sec. 86-132. Places where stopping, standing or parking is prohibited; no signs required.

(a) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer or which is in conflict with traffic control devices or at the following places:

- (1) Upon a sidewalk.
- (2) In front of or within three feet of the curb return radius point of a public or private driveway, wheelchair ramp, cycle ramp or loading ramp.
- (3) Within an intersection.
- (4) Within or across a crosswalk.
- (5) Within 20 feet of a crosswalk or an intersection.
- (6) Within 20 feet of the approach to a flashing beacon, stop sign, yield sign, or traffic control signal located at the side of a street or roadway.
- (7) Within 50 feet of the nearest rail of a railroad crossing.
- (8) Within 20 feet of the entrance to a fire station.
- (9) Along the side or opposite side of a street excavation when stopping, standing, or parking would obstruct traffic.
- (10) Upon the roadway side of a vehicle stopped or parked at the edge or curb of a street.
- (11) Upon a bridge or other elevated structure upon a highway.
- (12) Within a street tunnel or underpass.
- (13) Alongside or upon a neutral ground curb.
- (14) In a place where parking will obscure or obstruct visibility of a traffic control device.
- (15) Upon the traveled portion of a roadway except to yield to other traffic, or as directed by a signal or sign, or as directed by a police officer; or
- (16) Within the median areas of divided roadways, except for police vehicles and/or vehicles owned/operated by a company, corporation or other entity under contract with Lafayette City-Parish Consolidated Government to enforce traffic laws and regulations noted within this Code.

(b) No person shall move a vehicle not lawfully under his control into such a prohibited area or a distance greater than that required elsewhere.

Sec. 86-133. Illegal parking upon neutral ground, public playground, or pedestrian mall.

(a) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer or traffic control device, at the following places:

- (1) Upon a neutral ground other than those designated by the Director for legal parking.

(2) Upon an area of Lafayette City-Parish Consolidated Government property formally dedicated, recognized and maintained as a playground by City-Parish Consolidated Government not specifically designated as an area for parking.

(3) Upon Lafayette City-Parish Consolidated Government property dedicated or recognized and maintained as a pedestrian mall, not specifically designed for parking.

(b) No person shall move a vehicle into such a prohibited area or away from a curb such distance as is prohibited.

Sec. 86-134. Parking in violation of special event traffic plan is prohibited.

(a) No person shall stop or park a vehicle upon a street during a special event or a parade route designated by the chief or the Director once regulatory signs have been posted.

(b) An unoccupied vehicle may be immediately removed or impounded by a police officer or other person duly authorized when found stopped or parked in violation of a special event traffic plan, as set forth herein and shall be subject to fines provided herein.

Sec. 86-135. Parking not to obstruct traffic.

No person shall stop or park a vehicle upon a street in such manner or under such conditions as to leave available less than 16 feet of the width of the roadway for free movement of two-way vehicular traffic or less than ten feet of width of a one-way roadway for the movement of one-way vehicular traffic.

Sec. 86-136. Parking for certain purposes prohibited.

(a) No person shall park a vehicle upon a street or publicly owned or leased parking facility for the purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle commercially.
- (3) Commercial advertising.
- (4) Making major repairs to such vehicle; or
- (5) Operating a business.

(b) Each violation of the above prohibitions shall constitute a separate offense for each and every day such violation occurs.

(c) Subsection (a) of this section shall not apply in designated areas during special events, as determined by the Director or his designee.

Sec. 86-137. Parking for more than twenty-four hours prohibited.

No person shall park a vehicle upon a street for a period of time longer than 24 consecutive hours.

Sec. 86-138. Parking of large vehicles and trailer.

No person shall park the following types of vehicles on a street in an area zoned residential (as designated in the zoning ordinance of the City of Lafayette) or on a street in front of a lot which contains a building which is used primarily as a residence, other than for the contemporaneous and expeditious loading or unloading of such vehicle, as follows:

(a) A vehicle having a length which exceeds 22 feet.

(b) A motor vehicle having dual rear wheels displaying a commercial license plate on said vehicle.

(c) A wrecker of any size; or

(d) A trailer of any size.

Sec. 86-139. Parking of vehicles equipped with living accommodations prohibited during certain hours.

(a) No person shall park a vehicle equipped with living accommodations with an overall length in excess of 22 feet on a street for a period of time in excess of 24 hours.

(b) For the purpose of this section, "vehicle equipped with living accommodations" is defined as a motor vehicle that contains one or more of the following amenities that are capable of being used for their originally intended purpose: sink, wash facility, lavatory, mattress, stove, table or refrigerator.

Sec. 86-140. Stopping, standing or parking prohibited by curb markings.

No person shall stop, stand or park a vehicle where the Director and/or the fire chief has authorized the roadway curb to be painted yellow.

Sec. 86-141. Stopping or parking prohibited in designated fire lanes and/or within 15 feet from a fire hydrant.

No person shall stop, stand or park a vehicle in an area which has been designated as a fire lane by the use of regulatory signs and/or curb markings and/or within 15 feet of a fire hydrant. A vehicle found in violation of this section shall be moved and/or towed and subject to fines as noted herein.

Sec. 86-142. Parking in the vicinity of the United States Federal District Courthouse located on Lafayette Street.

The provisions of this article shall not apply to parking in the area along West Vermilion Street between Lafayette Street and South Washington Street located immediately adjacent to the current United States District Courthouse. The United States Marshal's Office located at said courthouse shall have authority to regulate parking in this area, including, but not limited to, the authority to immediately tow unauthorized vehicles parked in such area.

DIVISION 2. PARKING METERS

Sec. 86-143. Parking meter zones.

Parking meter zones established within the city, on those streets or other areas as are designated by the Director, may be regulated by parking meters between the hours designated by the Director.

Sec. 86-144. Installation of parking meters.

(a) The Director may install parking meters, in the parking meter zones established herein, upon the curb immediately adjacent to each designated parking space. Said meters shall be capable of operation either automatically or mechanically, upon the deposit therein of such coin(s) or other devices approved by the Director as required for the period of time designated by said meter.

(b) Each parking meter shall bear a legend indicating the days and hours when the requirement for payment shall apply, the cost of parking, and the maximum time limitation for which parking is lawfully permitted in the parking meter zone in which such meter is located.

Sec. 86-145. Metered parking.

(a) On those segments of streets or other areas where parking meters are installed, parking shall be regulated between such hours as are set by the Director and indicated on the face of the meters or on traffic control devices installed in conjunction with such meters.

(b) It shall be unlawful for a vehicle to be parked between the hours set forth in a metered space when the parking meters are bagged with "No Parking" printed upon same.

(c) It shall be unlawful for a vehicle to be parked in a metered space when the parking meters are bagged with "Parking by Permit Only" printed upon same when such vehicle has not been issued a valid permit for subject parking metered space.

(d) It shall be unlawful for a vehicle to be parked in a metered space when the "No Parking" indication is displayed, except on those days and hours as determined by separate resolution of the City-Parish Council.

(e) It shall be unlawful for a vehicle to be parked in the same space beyond the maximum time limitation indicated on the meter's face for which parking is lawfully permitted.

Sec. 86-146. Establishment of parking meter fees.

The Director may establish fees in accordance with the following schedule. Specific fees shall be adopted by resolution of the City-Parish Council.

Maximum Parking Meter Space Duration	Range of Authorized Fee
15 minutes	\$0.25--\$0.50
30 minutes	\$0.25--\$0.75
1 hour	\$0.40--\$2.00
2 hours	\$0.60--\$3.00
10 hours	\$1.50--\$5.00

Sec. 86-147. Establishment of fees for debit keys.

(a) The Director may offer "debit key" parking at parking meters. A refundable deposit for the use of a debit key associated with the parking meter is hereby established. The Director shall collect the deposit at the time of issuance of the debit key. The deposit for each key shall be \$15.00, with \$10.00 of this deposit to be refunded after return of the key in good condition.

(b) The fee for time purchased shall be in accordance with the corresponding meter rate indicated on the meter.

Sec. 86-148. Deposit of coin prerequisite to use of space; exceptions.

(a) Whenever a vehicle shall be parked in a space adjacent to which there is a parking meter, the owner or operator of such vehicle shall, after entering such parking space, immediately deposit the appropriate fee, by United States funds or such debit device as is approved by the Director, in the parking meter and such parking space may then be used by such vehicle during the provided parking time limit.

(b) Whenever an official marked and/or licensed vehicle of a department of the city, parish, state, or federal government, is parked in a metered zone, the operator shall not be required to deposit a coin for the use of the parking space provided, however, that no such vehicle shall be parked in the same space beyond the time limitation for which parking is lawfully permitted in the parking meter zone in which such meter is located. The representative receiving a parking notice of civil violation, while performing official duties, shall be required to submit written evidence substantiating same to the adjudication bureau. Upon receipt of proper evidence, the hearing officer shall review the evidence and immediately render a decision.

Sec. 86-149. Establishment of fees for permit parking spaces.

(a) The Director may reserve parking meters/spaces for designated purposes by permit when necessary as a result of construction or for other reasons in the vicinity of metered parking spaces. The Director may deny requests to reserve parking meters where such reservation would be inconsistent with good parking management principals as determined by the Director.

(b) Whenever parking meters are located in proximity to the construction site, an individual requesting reserved parking shall pay a fee for a permit for the exclusive use of the parking meter space.

(c) The fee shall be calculated according to the hourly rate for each meter reserved for the hours of enforcement plus a processing fee of \$15.00 for the duration of the permit.

(d) A request to reserve parking meters shall be made to parking administration 48 hours prior to the scheduled date. The request shall include:

- (1) The name and address of the organization to be billed.
- (2) The number of days the meters are to be reserved.
- (3) The meter pole numbers.
- (4) The street locations.
- (5) The purpose for reserving the meters; and
- (6) Type of equipment to be placed at the reserved stall.

(e) The vehicle parked at a reserved meter must have a commercial license plate and/or permanent marking on both sides bearing the name of the business.

Sec. 86-150. Direction of parking at metered parking spaces.

A vehicle parked in a parking space in a parking meter zone shall be parked with the front bumper of such vehicle next to the parking meter or alongside such parking space in parallel parking spaces, or with the center and front of vehicle directed at the meter in diagonal parking spaces.

Sec. 86-151. Metered parking spaces to be observed.

The Director may place lines or marks on the curb or on the street about or alongside each parking meter to delineate the parking space for which such meter is to be used, and each vehicle parked alongside or next to a parking meter shall park within the lines or markings so established. No person shall park a vehicle across such line or mark or park a vehicle in such a way that it shall not be within the area so delineated by such lines or markings, except in the event a vehicle may be longer than the space allotted per meter and, in such case, the driver of such vehicle occupying more than one space or part of an additional space shall deposit the appropriate fee in each meter allotted to such space or spaces or portion thereof, and such driver shall be deemed to be in violation if one of the meter spaces being occupied shows a violation.

Sec. 86-152. Damaging, tampering with meters; depositing slugs.

(a) It shall be a misdemeanor for a person to injure, deface, tamper with, break, destroy or in any manner intentionally damage a parking meter which is operated by Lafayette City-Parish Consolidated Government, or to assist or conspire with others in causing said damage.

(b) It shall be a misdemeanor for a person to deposit or cause to be deposited, or attempt to deposit in parking meters operated by Lafayette City-Parish Consolidated Government, slugs, devices, dummy cards or substitutes for the coins legally required for the operation of the meter or other counterfeit device.

DIVISION 3. ENFORCEMENT OF PARKING REGULATIONS

Sec. 86-153. Removal of vehicle in violation of law.

In the interest of public safety, an unoccupied vehicle may be removed or impounded immediately, regardless of any previous record of violation and/or determination by a hearing officer, when found in violation of any the following:

(a) Stopping in a three minute passenger zone, when not engaged in receiving or discharging passengers; or remaining in said zone for more than three minutes.

(b) Stopping in a loading zone, freight only, or freight zone when not engaged in unloading, delivery, pick-up, or loading of materials, performing repair or service work, or receiving or discharging passengers.

(c) Parking within a designated fire lane.

(d) Stopping in a place where parking or stopping is prohibited and no sign is required; e.g., within 15 feet of a fire hydrant, intersection etc.

(e) Parking unlawfully on neutral grounds, public playgrounds, or pedestrian malls or otherwise in such a manner as to create a safety hazard.

(f) Parking where stopping or parking is prohibited near hazardous or congested places when traffic control signs regulating such stopping or standing are posted.

(g) Unauthorized parking on City-Parish Consolidated Government property.

(h) A vehicle found to remain on a public street in excess of three consecutive days shall be considered abandoned and a hazard, and as such shall be subject to towing after notifying the last known owner by a process approved by the Director.

DIVISION 4. PARKING GARAGES AND SURFACE LOTS

Sec. 86-155. Short-term parking for parking garages and surface lots.

(a) The Director may establish parking fees in accordance with the following schedule of ranges. Specific fees shall be adopted by separate resolution of the City-Parish Council.

Maximum Duration of Parking During Attendant Operation	Range of Fees
Lost ticket	\$2.50--\$8.00
1/2 hour	\$0.25--\$1.00
1 hour	\$0.50--\$2.00
2 hours	\$1.00--\$3.00
3 hours	\$1.50--\$4.00
4 hours	\$2.00--\$5.00
Over 4 hours	\$2.50--\$8.00
Maximum daily rate	\$2.50--\$8.00
Entering after 4:30 p.m.--2:00 a.m.	\$1.00--\$3.00

(b) A representative/employee of a department of the city, parish, state or federal government engaged in official business within the central business district, or persons summoned to appear by the federal, state and/or city court system, shall not be required to pay the scheduled parking garage fees upon entering the garage provided the vehicle operator shall have the proper ID indicating the agency for which they are employed and/or the court summons. The Director shall promulgate special rules concerning the administration of this subsection.

(c) A vehicle parked in a garage beyond the close of the normal workday shall be assessed the maximum daily rate, and shall be assessed, in addition, the fees listed above, beginning at the start of each succeeding workday. The Director shall promulgate rules concerning parking of vehicles in excess of 24 hours.

Sec. 86-156. Validation stamp parking.

(a) The Director may offer a short-term parking validation program whereby short-term parking fees may be paid in advance of use through purchase of parking validation stamps, said stamps in half-hour increments to be exchanged at the parking garage ticket booth at a value established in accordance herein. Parking validation stamps shall be accepted in lieu of payment at the parking garage only for the corresponding amount of time parked at the established rate, while a balance due for parking not paid by validation stamps shall be paid by the short-term ticket holder by cash payment.

(b) The Director may offer a reduction in the rate of short-term parking fees when said fees are paid in advance of use by the use/purchase of validation stamps as follows:

Quantity of Fees Paid	Reduction in Fee Multiplier
\$0--\$50.00	1.00 (No reduction)
\$50.00--\$100.00	0.90 (Ten percent reduction)
\$100.00 and above	0.85 (15 percent reduction)

Sec. 86-157. After hours events.

(a) The Director may assess a standard event fee for after-hour use of the parking garages for short-term parking, when the Director determines the use is appropriate and consistent with good parking principles. Such use of the parking garages for special after-hour functions shall require at least a 24-hour prior reservation, and such insurance mandated by the risk management division, compliance with guidelines and procedures that may be promulgated by the Director, advance payment by check or money order, and such fee shall be assessed in the following manner, per event:

No attendant present \$75.00
 Attendant present (Up to four hours) \$150.00
 Attendant present (Up to eight hours). . . . \$200.00

(b) The use of the garage for special events shall not extend beyond eight hours without prior approval of the Director. The Director may disallow after-hour use of the garage during public holidays, or during situations of special or emergency nature, which may give cause to deny requests.

Sec. 86-158. Long term parking.

(a) The Director may establish parking fees and related costs for long-term parking in accordance with the following schedule of ranges. Specific fees shall be adopted by separate resolution of the City-Parish Council.

Long-Term Parking Per Access Card	Range of Fees
Monthly lease	\$35.00--\$50.00
Roof-top lease	\$15.00--\$25.00
Initial access card application	\$5.00--\$10.00
Replacement for lost, stolen or damaged access card	\$10.00--\$15.00

(b) The Director may offer a reduction in the rate of long-term parking fees when a person or organization:

- (1) Requests 12 or more access cards.
- (2) Agrees to maintain the lease of said spaces for a period not less than 12 months; and
- (3) Agrees to pay the card replacement fees as indicated by subsection (a) of this section. Said reduction in long-term rate shall be as follows:

Number of Access Cards	Discount Multiplier
1--11	1.00--No reduction
12--24	0.95
25--49	0.90
50--74	0.80
75--99	0.70
100 or more	0.60

- (4) Initial card access fees indicated by subsection (a) of this section shall not be assessed to persons or organizations who meet or exceed 25 access cards.
- (5) The reduction in the long-term rate shall be determined each month. The total number of access cards utilized by the person or organization for the month shall determine the appropriate discount multiplier for each month.

(c) A person desiring to lease long-term parking access cards shall make application therefore upon a form to be furnished, signed by the applicant and filed with the Director. This application shall contain a description of the vehicle(s) contemplated to be used in conjunction with the access card issued, place of employment, business phone, home phone, and other relevant details as may be required by the Director.

(d) The application for leasing long-term access cards shall constitute a lease agreement on the part of the person making same, to pay in advance for access to the parking garages during normal workdays, at the rates specified. Said applicant shall agree to abide by the administrative rules and regulations governing parking as from time to time amended concerning hours of operation, method of payment, timeliness of payment, location of long-term spaces, and any other relevant matters as may be determined by the Director. Said lease may be immediately cancelled by the Director for failure to pay in advance for the privilege of having an access card; for violation of the administrative rules and regulations promulgated by the Director; or may be cancelled at any other time, upon 30 days' notice by the Director.

(e) Payments made in advance shall be prorated on a 30-day month until the next billing cycle. Payments for each month shall be due on or before the 25th day of the preceding month and shall be paid on or before the fifth day of the month. Failure to pay on or before the fifth day of the month shall result in a denial of access to the person in possession of the access card. If access to the garage is attempted without advance payment on or before the fifth day of the month, the access card shall be retained by the card reader equipment or its operator, thereby requiring payment at the short-term rates. Long-term parking shall be reinstated to the former holder of the access card upon payment in full.

(f) The initial access card access fee is not a deposit but a fee to process the application and to defray the cost of the card itself. It shall be non-refundable. The card is the property of the Lafayette City-Parish Consolidated Government and shall be returned upon written request by the Director.

(g) The Director shall keep a chronological listing of requests for access cards by written application for long-term leases. Said listing will be used to determine priority of service, based upon chronological order of application.

(h) No spaces within the garages shall be individually designated for individual person(s) and/or companies except where access and parking shall be restricted by the Director, when a function or situation of a special or emergency nature shall be cause to designate such spaces. Designation of short-term and long-term parking space allocations may be contained within the administrative rules and regulations promulgated by the Director.

(a) The City-Parish Council shall, by adoption of a resolution, determine the events/agencies/activities who may park in the Parc Auto du Centreville and the Buchanan Street Garage without the payment of fees, subject to subsection (b) of this section.

(b) The waiver of fees shall be granted when the use of the parking facilities does not reduce parking capacity in the facilities such that leaseholders of parking access cards are unable to secure parking within the facilities, as determined by the Director. If such condition occurs, the Director shall not permit a waiver of fees.

Sec. 86-160. Surface parking lots.

(a) The Director may establish parking fees and related costs for long-term access and parking for surface parking lots/facilities controlled and/or operated by City-Parish Consolidated Government. Specific fees shall be adopted by separate resolution of the City-Parish Council.

Surface Parking Lots	Range of Fees
Monthly lease	\$15.00--\$35.00

(b) Monthly lease parking privileges shall consist of unlimited access and parking during the normal workday hours of operation, while after-hour access and parking shall be regulated. Access and parking shall be restricted when a function or situation of a special or emergency nature shall be cause for the Director to deny such privilege. Monthly lease parking privileges for surface parking lots are contained herein or by reference.

Sec. 86-161. Director's discretion to deny service.

Nothing contained herein shall be construed as requiring the Director to enter into long-term leases to persons applying therefore; the Director may refuse to enter into such agreements for long-term parking which are contrary to sound business practices or when such agreement would not be advantageous to the City-Parish Consolidated Government.

DIVISION 5. RESIDENTIAL PERMIT PARKING

Sec. 86-162. Residential permit parking zones authorized.

The Director may permit parking on public streets in a residential area to vehicles bearing a valid parking permit issued pursuant to this division while prohibiting other vehicles without a valid parking permit. This authority shall be in addition to, and may be exercised in conjunction with, the other authority the Director may have to regulate the times, places and conditions of parking.

Sec. 86-163. Residential permit parking zones; eligibility.

A residential area shall be deemed eligible for residential permit parking based on the following criteria as determined by the Director:

- (a) The extent of the desire and need of the residents for residential permit parking and their willingness to bear the administrative costs associated therewith.
- (b) Proximity of the neighborhood to major "parking attractors," including employment centers, retail stores, restaurants, schools, medical facilities and tourist attractions.
- (c) Proximity to neighborhood transit services.
- (d) Scarcity of convenient off-street parking for residents.
- (e) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.
- (f) Substantial use of neighborhood parking spaces by commuters and other nonresidents for parking.
- (g) Traffic, noise or safety problems caused by vehicles that cruise the area.

Sec. 86-164. Procedure for designation/termination of a residential permit parking zone.

(a) To determine whether a particular area should be designated as a residential permit parking zone, the Director shall conduct, upon his own initiative, upon the request of residents of the area or upon request of the Lafayette City-Parish Consolidated Council, a public hearing prior to the designation of a residential permit parking zone, or prior to the termination of such designation once it is established. Such hearing shall be held only after due notice has been published in the City-Parish official journal and by the posting of signs in appropriate places within the proposed area advising of the proposed action and giving contact information for further details. The published official journal notice shall clearly state the purpose of the hearing, the boundaries of the residential permit parking area under consideration, the reasons why such area is being proposed for designation as a residential permit parking zone, and, if applicable, the proposed parking fee that would be charged. During such hearing, any interested person shall be entitled to appear and be heard.

(b) Within 30 days following the close of the public hearing, the Director, in accordance with rules established by the City-Parish Council, shall recommend to the administration, and then forwarding same to the City-Parish Council, whether to designate the area under consideration as a residential permit parking zone, specifying the times or limitations recommended and proposed fees, or whether to terminate, modify or remove the designation in the case of an established residential permit parking zone.

(c) Within 60 days following the receipt of the report, the Lafayette City-Parish Council shall, by resolution, approve, approve with modifications or disapprove the recommendation of the Director.

Sec. 86-165. Implementation.

Once the City-Parish Council has approved a residential permit parking zone, implementation on a particular street shall be contingent upon the following criteria:

(a) The street is primarily residential in use or located within the central business district.

(b) The majority of the residential households sign a petition seeking resident parking status for their block or zone.

(c) A study shall be conducted to determine the percentage of parking spaces that are occupied during the period proposed for parking restrictions. A minimum of 70 percent occupancy shall be necessary for establishment of a residential permit parking zone.

(d) The Director shall install parking signs on streets designated within a residential permit parking zone. The signs shall indicate the times, locations and conditions under which parking shall be by permit only.

(e) A permit shall be issued for a designated residential permit parking zone upon application and payment of the applicable fee by a person eligible for such permit. A person is eligible to apply for a residential parking permit if he owns or operates a motor vehicle and resides on property immediately adjacent to a street, avenue, or other location within the residential permit parking zone. Proof of residency in the residential permit parking zone on a block designated for implementation shall be presented at the time application is made. Residency shall be maintained at all times during which the permit is valid.

(f) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the make, model, registration and plate number of the motor vehicle, and the individual's driver's license number. The motor vehicle registration and the driver's license of the applicant shall be presented at the time of making said application in order to verify the contents thereof. The owner or operator of a motor vehicle applying for a residential parking permit shall have a valid Louisiana driver's license and a valid vehicle inspection tag.

(g) The permit shall be renewed annually upon such conditions and procedures, as the Director shall determine. The permit shall display the motor vehicle serial number, the license plate number and the zone number.

Sec. 86-166. Residential parking permit.

(a) Notwithstanding any provisions to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle for which a permit has been issued in the residential permit parking zone designated on the permit without being subject to the limitations imposed on a vehicle lacking the permit, provided that such standing or parking is otherwise lawful. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible through the rear windshield of the vehicle on the left side.

(b) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicles are prohibited or set aside for specified types of vehicles, nor to exempt the holder from the observance of any traffic regulations other than the parking limit.

(c) A residential parking permit does not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

Sec. 86-167. Central business district parking zones.

In areas of the central business district where residents live, the zones established for their parking shall be within a 1,000-foot radius of the residences.

Sec. 86-168. Exemption from residential permit parking zone.

Service vehicles parked in residential parking zones while making service calls to residential dwellings within the zone shall be exempt from holding a residential parking zone permit and exempt from posted time limits. Such service vehicles shall display in the front windshield on the driver side of the vehicle a work slip showing the name and address of the residence being serviced.

Sec. 86-169. Eligibility of temporary residents.

A temporary or new resident of a residential permit parking zone whose vehicle is registered in another state may apply for a visitor permit for the duration of the 30-day reciprocity period allowed under state law. The applicant shall have a valid driver's license and motor vehicle registration from the home state and a rent or utility bill receipt or some other adequate proof of residence within a residential permit parking zone. The fee for this temporary permit is contained herein or by reference, and may be applied toward a resident sticker for the balance of the year when the registration of the vehicle is matched to the local address.

Sec. 86-170. Residential parking permit fee.

The Director may establish an annual residential permit parking zone fee to cover the administrative costs of permits for the residential parking permit issued pursuant to this section. The permit fee is contained herein or by reference. Upon presentation of adequate proof, persons 65 years of age or older who otherwise qualify for the permit shall be subject to a reduction of 50 percent of the established permit fee. Fees shall be established by resolution of the City-Parish Council.

Sec. 86-171. Residential permit parking zones visitor's permit.

In a residential permit parking zone where parking spaces for visitors are not set aside on-street; the holder of a residential parking permit may apply for a visitor's permit that shall be valid for seven days and shall be renewable but not transferable. The application shall identify the visitor, his address, the make, model, color of the vehicle, the vehicle license number, and the permit number of the host and shall be signed by the permit holder host. Permits for visitors shall be issued upon application unless the Director determines that adequate space is not available within that zone. No permit holder shall be issued more than three visitors permits at any given time.

Sec. 86-172. Misrepresentation by applicant for permit; illegal use or transfer of permit.

(a) It shall be a violation of this ordinance for any person to falsely represent themselves as eligible for a residential parking permit or to furnish any false information in an application to the Director for a residential parking permit.

(b) No person other than the permittee named thereon or a person authorized to use the permitted vehicle shall use a residential parking permit or display it on a vehicle, and any such use or display by a person other than the permittee shall constitute a violation of this section by the permittee and by person(s) who so used or displayed such parking permit.
(Ord. No. O-025-2006, § 1, 3-7-06)

Sec. 86-173. Misrepresentation by applicant for permit or for illegal use of transfer of permit.

The Director may revoke the residential parking permit of any permittee found to be in violation of section 86-166, and upon written notification, thereof the permittee shall surrender such permit to the Director.

DIVISION 6. FEES, FINES AND PENALTIES

Sec. 86-174. Schedule of fines for parking violators.

The following range of fines for violations for each section noted under Part B of this chapter is hereby adopted. Specific fines shall be adopted by separate resolution of the City-Parish Council.

- (1) Section 86-125--from \$20.00 to \$30.00.
- (2) Section 86-126--from \$20.00 to \$30.00.
- (3) Section 86-127--from \$20.00 to \$30.00.
- (4) Section 86-128b--\$100.00. Each day of non-compliance shall be deemed a separate offense.
- (5) Section 86-128c--\$300.00 for the first offense by an individual. A subsequent violation(s) shall result in a fine of \$500.00. In addition to such fines, the owner may be required to pay a towing fee and storage costs. No fine issued pursuant to this chapter shall be reduced or suspended.
- (6) Section 86-128e--from \$10.00 to \$30.00.
- (7) Section 86-129--from \$20.00 to \$30.00.
- (8) Sections 86-131--from \$25.00 to \$35.00.
- (9) Section 86-132--from \$25.00 to \$35.00.
- (10) Section 86-133--from \$25.00 to \$35.00.
- (11) Section 86-134--from \$50.00 to \$100.00.
- (12) Section 86-135--from \$25.00 to \$35.00.
- (13) Section 86-136(a)-(d)--from \$20.00 to \$30.00.
- (14) Section 86-136(e)--from \$100.00 to \$150.00.
- (15) Section 86-137--from \$20.00 to \$30.00.
- (16) Section 86-138--from \$20.00 to \$30.00.
- (17) Section 86-139--from \$50.00 to \$100.00.
- (18) Section 86-140--from \$100.00 to \$200.00.

- (19) Section 86-141--from \$100.00 to \$200.00.
- (20) Section 86-145--from \$10.00 to \$20.00.
- (21) Section 86-151--from \$15.00 to \$25.00.
- (22) Section 86-152--from \$20.00 to \$30.00.
- (23) Section 86-153--from \$35.00 to \$45.00.
- (24) Section 86-166--from \$15.00 to \$25.00.
- (25) Section 86-172--from \$50.00 to \$60.00.
- (26) Other sections of Part B of this chapter--\$15.00 to \$25.00.

Sec. 86-175. Disposition of monetary penalties under Part B of this chapter.

The funds collected pursuant to Part B of this chapter shall be deposited to the credit of the Lafayette City-Parish Consolidated Government if the offense occurred in the unincorporated areas and to the credit of the City of Lafayette, if the offense occurred in the City of Lafayette.

Sec. 86-176. Insufficient funds checks.

If payment is made under this chapter with an insufficiently funded check, the violation paid by the check will be returned to a nonpaid status as of the original violation date. Restitution can be made in person with cash or money order for the amount due from the original violation date to the walk-in date, and an additional fee of \$25.00 or five percent of the face amount of the check, whichever is greater, will also be charged for the insufficient fund check. Failure to make restitution within 15 days of notification of the insufficient funds will make the vehicle subject to immobilization. Notification of insufficient funds shall be made in the manner established by section 86-123.

ARTICLE X. ELECTRONIC ENFORCEMENT

DIVISION 1. RED LIGHT RUNNING

Sec. 86-177. Definitions.

For purposes of sections 86-177 through 86-183, inclusive, the following definitions shall apply:

Department shall mean the Lafayette Police Department, its successor, or an authorized representative as determined by the Director.

Director shall mean the chief of the Department, or his authorized representative who is responsible for Article X Electronic Enforcement.

Hearing Officer / Adjudicator shall mean a licensed attorney designated by the Lafayette City-Parish Attorney who meets the qualifications contained within this Chapter.

Owner shall mean the owner of a vehicle as shown on the vehicle registration records of the Louisiana Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country.

Photographic traffic signal enforcement system or system shall mean a system:

(a) Consisting of a camera system installed to work in conjunction with an electrically operated traffic-control signal; and

(b) Is capable of producing one or more recorded images depicting the license plate attached to the rear of a vehicle that is not operated in compliance with the red-displays of the traffic-control signal.

Recorded image means an image recorded by a photographic traffic monitoring system depicting the rear of a vehicle and is automatically recorded as a photograph or digital image.

which also depicts the recorded speed, duration the signal was red, date, location, and time of the recorded image.

System location means the approach to an intersection where a photographic traffic signal enforcement system is directed and in operation.

Traffic control signal shall mean a traffic control device displaying alternating green, amber, and red lights directing traffic when to stop at or proceed through an intersection.

Sec. 86-178. Imposition of civil penalty for violations enforced by a photographic traffic signal enforcement system.

(a) The City-Parish Council finds and determines vehicles proceeding into an intersection when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal damages the public by endangering vehicle operators and pedestrians alike, by decreasing the efficiency of traffic control and traffic flow efforts, and by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayers.

(b) Except as provided in subsections (c) and (d) below, the owner of a vehicle is responsible for a civil violation penalty of \$125.00 if the vehicle proceeds into an intersection at a system location when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal.

(c) *Exemption--Right turn on red after stop.* The owner of a vehicle facing a steady red signal may cautiously enter the intersection to turn right after stopping. Such vehicle owner shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Vehicle owners who comply with this paragraph are exempt from Article X - Electronic Enforcement, Division 1 - Red Light Running of this Code of Ordinances. Vehicle owners who fail to comply with the requirements in the above paragraph at a system location are responsible for a civil violation penalty of \$25.00. Subsection (d) below regarding late payment penalty described therein also applies to this paragraph.

(d) An owner who fails to pay a civil violation penalty beyond 40 calendar days from the date of mailing the notice of civil violation, inclusive of weekends and legal holidays, shall be subject to a late payment penalty factor of 1.5 times the original civil violation. e.g. (original civil violation \times 1.5 = total civil violation amount including late payment penalty).

Sec. 86-179. Enforcement; procedures.

(a) The department is responsible for the enforcement and administration of sections 86-177 through 86-183, inclusive. The department may enforce and administer sections 86-177 through 86-183, or any parts thereof, through one or more contractors selected in accordance with applicable law. The actions which can be used to enforce the payment of civil penalties and related fees consist of, but are not limited to, referring the debt to collection agencies, and/or initiating actions through courts of competent jurisdiction, or any other lawful means, all in accordance with applicable authority, laws and procedure.

(b) In order to impose a civil violation penalty under this article, the department shall mail a notice of civil violation to the owner of the vehicle responsible for the civil violation penalty not later than the 30th calendar day inclusive of legal holidays and weekends after the date the Department reviews and inspects the recorded images, and an alleged civil violation is determined by the Department.

(c) A notice of civil violation issued under this article shall contain the following:

- (1) A description of the violation alleged;
- (2) The date, time, and location of the violation;
- (3) A copy of a recorded image of the vehicle involved in the violation;
- (4) The amount of the civil violation penalty to be imposed for the violation;
- (5) The date by which the civil violation penalty must be paid;

- (6) A statement the person named in the notice of civil violation may pay the civil violation penalty in lieu of appearing at an administrative adjudication hearing;
- (7) Information informing the person named in the notice of civil violation:
 - (A) Of the right to contest the imposition of the civil violation penalty in an administrative adjudication;
 - (B) Of the manner and time in which to contest the imposition of the civil violation penalty; and
 - (C) Failure to pay the civil violation penalty or to contest liability is a waiver of the right to appeal under subsection 86-180(a).
- (8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil violation penalty;
- (9) A statement indicating failure to pay the civil violation penalty within the time allowed shall result in the imposition of an additional late penalty as prescribed in subsection 86-178(d) for each violation; and
- (10) Any other information deemed necessary by the Department.

(d) A notice of civil violation under this article is presumed to have been received on the tenth (10th) calendar day inclusive of weekends and legal holidays after the date the notice of civil violation is mailed.

Sec. 86-180. Administrative adjudication hearing.

(a) A person who receives a notice of civil violation may contest the imposition of the civil violation penalty by a request in writing for an administrative adjudication of the civil violation penalty within forty (40) calendar days inclusive of weekends and legal holidays after date of mailing of the notice of civil violation by simple written application to the Director. Upon receipt of a request within the prescribed time period within this paragraph, the department shall notify the person requesting such hearing of the date and time of the administrative adjudication hearing.

(b) Administrative adjudications of violations of section 86-178 shall be conducted by the adjudication bureau established by section 86-108 through 86-110. In conducting administrative adjudications of violations of section 86-178, the adjudication bureau shall have the powers and duties conferred by section 86-108.

(c) Except as provided in subsection (h), failure to pay a civil violation penalty or to contest liability beyond forty (40) calendar days from the date of mailing of the notice of civil violation inclusive of weekends and legal holidays constitutes a waiver of the right to contest under subsection (a).

(d) The civil violation penalty shall not be assessed if after a hearing, the hearing officer enters a finding of no liability.

(e) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a law enforcement officer or a representative of the Department, or by actual testimony by either of them. An affidavit of a sworn law enforcement officer or representative of the Department, or actual testimony by either of them, that alleges a civil violation occurred based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is *prima facie* evidence of those facts contained in the affidavit or testified to.

(f) A person who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall also incur an administrative adjudication fee of an additional \$30.00.

(g) It shall be an affirmative defense to the imposition of civil liability under this article, to be proven by a preponderance of the evidence, that:

- (1) The traffic-control signal was not in proper position and sufficiently legible to an ordinarily observant person;
- (2) The operator of the vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer;
- (3) The operator of the vehicle violated the instructions of the traffic-control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;
- (4) The vehicle was being operated as an authorized emergency vehicle under La. R.S. 32:24, and the operator was acting in compliance with La. R.S. 32:24;
- (5) The vehicle was being operated in accordance with La. R.S. 32:300.3 – Funeral Processions.
- (6) The vehicle was being operated by a commissioned law enforcement officer performing authorized/assigned tasks.
- (7) The vehicle was being operated during a bona fide medical emergency which is documented with adequate and sufficient evidence from a medical care facility, as determined by the Director.
- (8) At the time of the violation, the vehicle was in the care, custody or control of another person:
 - (A) As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody and control of the vehicle at the time of the violation.
 - (B) As set forth in a document, or "Assumption of Responsibility," signed and dated by the person, or a representative of the entity, who had the care, custody and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the "Assumption of Responsibility" form.
 - (i) The tender of a statement of "Assumption of Responsibility" shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.
 - (C) As set forth in a lease, rental contract or other agreement listing the name and mailing address of the person or entity who had the care, custody or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such a case be transferred to the lessee.
- (9) The presence of ice, snow, unusual amounts of rain or other unusually hazardous road conditions existed that would make compliance with this article more dangerous under the circumstances than non-compliance;
- (10) The person who received the notice of civil violation provides adequate documentation as determined by the Director that the person was not the owner of the vehicle at the time of the violation; or
- (11) At the time of the violation the vehicle was stolen or the license plate displayed on the vehicle was a stolen plate. Proof acceptable to the hearing officer and/or the Department must be presented/documented, indicating that theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.

(h) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil violation penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:

- (1) The person files an affidavit with the Department stating the date on which the person received the notice of civil violation mailed to the person; and
 - (2) The person files a request for an administrative hearing within forty (40) days from the date of receipt of the notice of civil violation, as stated in the affidavit.
- (A) The decision of the hearing officer shall be the final decision by Lafayette City- Parish Consolidated Government. A person or persons aggrieved by a decision may file a petition for judicial review to the district court of the Parish of Lafayette, within 30 days after the date of entry of the decision.

Sec. 86-181. Order of hearing officer.

Rules for Hearing Officer adjudication:

(a) The hearing officer at any administrative adjudication hearing under this article shall issue an order stating:

- (1) Whether the person charged with the violation is responsible or not responsible for the adjudicated violation; and
- (2) The amount of any civil violation penalty, late penalty, and administrative adjudication cost assessed against the person.

(b) The orders issued under subsection (a) may be filed with the Department. The Department shall maintain the hearing officer's orders/determination

Sec. 86-182. Effect of liability; exclusion of civil remedy.

(a) The imposition of a civil violation penalty under this article shall not be considered a criminal conviction.

(b) A civil violation penalty may not be imposed under this article upon the owner of a vehicle if the operator of the vehicle was arrested or was issued a citation and notice to appear by a law enforcement or public safety officer as a violation of La. R.S. 32:232 if such violation was captured by the system.

(c) The Lafayette City-Parish Attorney and/or a contractor selected in accordance with applicable laws is authorized to enforce collection of unpaid fines and/or related fees and penalties imposed under section 86-181 by referring the debt to collection agencies and/or initiating actions through courts of competent jurisdiction.

(d) The Director shall ensure, and shall so instruct any contractors selected pursuant to this Section, that unpaid fines and/or related fees and penalties imposed under this Division are enforced in the following manner:

- (1) No fewer than 120 days after issuance of a final order under Sec. 86-181, if a violator has incurred \$125 or more in delinquent penalties (including late payment penalties or administrative adjudication fees) within the three calendar years preceding issuance of the final order under Sec. 86-181, the debt shall be referred through the contractor to a collection agency to attempt collection.
- (2) No fewer than 120 days after referral to a collection agency, the contractor shall notify the collection agency to cease its attempts at collection for vehicles registered with the Louisiana Department of Motor Vehicles, and the Director shall transfer to the Lafayette City-Parish Attorney all original documents, if any, supplied to either the contractor or collection agency. The Director and the

contractor shall ensure that no debts are reported to credit-reporting services for vehicles registered with Louisiana Department of Motor Vehicles.

- (3) Upon receipt of all documents supplied to the contractor or collection agency, the Lafayette City-Parish Attorney shall enforce collection of all unpaid fines, fees, penalties, late payment penalties and administrative adjudication fees in a court of competent jurisdiction. The City-Parish Attorney may bring suit in the name of the Lafayette City-Parish Consolidated Government or may retain outside counsel to bring suit, in accordance with applicable laws, in the name of the Lafayette City-Parish Consolidated Government.
- (4) The Director or contractor, as applicable, shall supply to the City-Parish Attorney, or outside counsel bringing suit, all materials and/or testimony necessary to support enforcement.
- (5) The Lafayette City-Parish Attorney shall ensure that defendants in enforcement suits authorized by this Section have, until rendition of final judgment, the option of settlement by payment of all outstanding fines, fees, penalties, late payment penalties and administrative adjudication fees, as well as court costs and filing fees incurred (whether prepaid or otherwise) in enforcement. No defendant in such suit shall be required to pay attorney's fees in connection with such settlement. Upon satisfaction of a violator's settlement obligations, the Lafayette City-Parish Attorney or outside counsel shall dismiss the enforcement suit with prejudice.
- (6) The Lafayette City-Parish Attorney shall ensure that any money judgment obtained in a suit to enforce fines levied for violation of this Division shall be recorded in the mortgage records of the Lafayette Parish Clerk of Court as a judicial mortgage against the property of the defendant.

Sec. 86-183. Traffic safety fund.

The penalties, fines, and fees collected from the imposition of civil liability under this article shall be deposited into the traffic safety fund account hereby established by the Lafayette City-Parish Consolidated Government. Funds deposited into this traffic safety fund shall be expended first for the costs of the system (payment to the vendor/operator of the system, public relations, and general implementation of the program). After satisfying this requirement, remaining funds may be used for the following, including, but not limited to: traffic or pedestrian traffic safety programs, intersection traffic safety improvements, driver education, police officers dedicated to traffic safety, or projects or programs which directly support traffic safety.

DIVISION 2. VEHICLE SPEED

Sec. 86-184. Definitions.

For purposes of sections 86-184 through 86-190, inclusive, the following definitions shall apply:

For purposes of this Division, the following definitions shall apply:

Department shall mean the Lafayette Police Department, its successor, or an authorized representative as determined by the Director.

Director shall mean the chief of the Department, or his authorized representative.

Hearing Officer / Adjudicator shall mean a licensed attorney designated by the Lafayette City-Parish Attorney who meets the qualifications contained within this Chapter.

Owner shall mean the owner of a vehicle as shown on the vehicle registration records of the Louisiana Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country.

Photographic vehicle speed enforcement system or system shall mean a system consisting of an electronic system which is capable of producing one or more recorded images depicting the license plate attached to the rear of a vehicle being operated at a speed in excess of the speed limit. The radar component of the system shall be properly calibrated on a regular basis as determined by the Director and the records of such calibration shall be maintained with the office of the Director.

Recorded image means an image recorded by the system depicting the rear of a vehicle which is automatically recorded on a photograph or digital image, which also depicts the recorded speed, date, location, and time of the recorded image.

System location means the approach to an intersection toward which a photographic vehicle speed enforcement system is directed and in operation or a segment of roadway on which a vehicle speed enforcement system is in operation.

Speed limit shall mean the established regulatory speed limit on the subject roadway.

Violation shall mean the Notice of civil violation for speeding for this division.

Sec. 86-185. Imposition of civil violation penalty for violations enforced by a photographic vehicle speed enforcement system.

(a) The Lafayette City-Parish Consolidated Government finds and determines a vehicle traveling over the speed limit for the vehicle's direction of travel damages the public by endangering vehicle operators and pedestrians alike, by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayers, therefore decreasing the efficiency of traffic control and traffic flow efforts.

(b) Except as provided in subsections (c) and (d) below, the owner of a vehicle is responsible for a civil violation penalty as shown in the following tables if the vehicle is traveling at a speed in miles per hour (mph) greater than the speed limit as shown in the following tables at a system location. The following civil penalties shall apply to the owner when captured by the system in accordance with the vehicles recorded speed and the corresponding speed limit of the roadway where the notice of civil violation was issued:

Posted School Zone Speed (mph)	Recorded Vehicle Speed (mph)	Fine Amounts for Various Recorded Speeds in School Zones				
		\$25	\$50	\$100	\$200	\$300
25	Range	31 thru 35	36 thru 40	41 thru 45	46 thru 50	≥ 51
30	Range	36 thru 40	41 thru 45	46 thru 50	51 thru 55	≥ 56
35	Range	41 thru 45	46 thru 50	51 thru 55	56 thru 60	≥ 61
40	Range	46 thru 50	51 thru 55	56 thru 60	61 thru 65	≥ 66
45	Range	51 thru 55	56 thru 60	61 thru 65	66 thru 70	≥ 71

Posted Speed Limit (mph)	Recorded Vehicle Speed (mph)	Fine Amounts for Various Recorded Speeds in Non-School Zones			
		\$25	\$50	\$100	\$150
25	Range	31 thru 35	36 thru 40	41 thru 45	≥ 46
30	Range	36 thru 40	41 thru 45	46 thru 50	≥ 51
35	Range	43 thru 45	46 thru 50	51 thru 55	≥ 56
40	Range	48 thru 50	51 thru 55	56 thru 60	≥ 61
45	Range	n/a	55 thru 60	61 thru 65	≥ 66
50	Range	n/a	60 thru 65	66 thru 70	≥ 71
55	Range	n/a	65 thru 70	71 thru 75	≥ 76
60	Range	n/a	70 thru 75	76 thru 80	≥ 81
65	Range	n/a	75 thru 80	81 thru 85	≥ 86
70	Range	n/a	80 thru 85	86 thru 90	≥ 91

(c) Any photographic vehicle speed enforcement system which is mounted in or on a vehicle shall be deployed at the discretion of the Director, who shall deploy such systems in school zones or in response to citizen requests for location-specific speed enforcement.

(d) An owner who fails to pay a civil violation penalty beyond 40 calendar days from the date of mailing the civil notice of violation, inclusive of weekends and legal holidays, shall be subject to an late payment penalty of 1.5 times the original civil violation, e.g. (original civil violation x 1.5 = total civil violation amount including late payment penalty).

Sec. 86-186. Enforcement; procedures.

(a) The department is responsible for the enforcement and administration of sections 86-184 through 86-190, inclusive. The department may enforce and administer sections 86-184 through 86-190, or any parts thereof, through one or more contractors selected in accordance with applicable law. The actions which can be used to enforce the payment of this civil penalty and related fees include, but are not limited to: referring the debt to collection agencies; and/or initiating actions through a court of competent jurisdiction, or any other lawful means, all in accordance with applicable authority, laws and procedure.

(b) In order to impose a civil violation penalty under this article, the department shall mail a notice of civil violation to the owner of the vehicle responsible for the civil violation penalty not later than the 30th calendar day inclusive of weekends and legal holidays after the date the Department reviews and inspects the recorded images, and an alleged civil violation is determined by the Department.

(c) A notice of civil violation issued under this article shall contain the following:

- (1) A description of the violation alleged;
- (2) The date, time, and location of the violation;
- (3) A copy of a recorded image of the vehicle involved in the violation;
- (4) The amount of the civil violation penalty to be imposed for the violation;
- (5) The date by which the civil violation penalty must be paid;
- (6) A statement the person named in the notice of civil violation may pay the civil violation penalty in lieu of appearing at an administrative adjudication hearing;
- (7) Information informing the person named in the notice of civil violation:

- (A) Of the right to contest the imposition of the civil violation penalty in an administrative adjudication;

- (B) Of the manner and time in which to contest the imposition of the civil violation penalty; and
- (C) Failure to pay the civil violation penalty or to contest liability is a waiver of the right to appeal under subsection 86-187(a).
- (8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil violation penalty;
- (9) A statement indicating failure to pay the civil violation penalty within the time allowed shall result in the imposition of an additional late penalty as prescribed by subsection 86-185(d) for each such violation; and
- (10) Any other information deemed necessary by the Department.

(d) A notice of civil violation under this article is presumed to have been received on the tenth calendar day inclusive of weekends and legal holidays after the date the notice of civil violation is mailed.

Sec. 86-187. Administrative adjudication hearing.

(a) A person who receives a notice of civil violation may contest the imposition of the civil violation penalty by a request in writing for an administrative adjudication of the notice of civil violation penalty within forty (40) calendar days inclusive of weekends and legal holidays after date of mailing of the notice of civil violation by simple written application to the Director. Upon receipt of a request within the prescribed time period within this paragraph, the department shall notify the person requesting such hearing of the date and time of the administrative adjudication hearing.

(b) Administrative adjudications of violations of section 86-185 shall be conducted by the adjudication bureau established by sections 86-108. In conducting administrative adjudications of violations of section 86-185, the adjudication bureau shall have the powers and duties conferred by section 86-108.

(c) Except as provided in subsection (h), failure to pay a civil violation penalty or to contest liability beyond forty (40) calendar days from the date of mailing of the notice of civil violation inclusive of weekends and legal holidays constitutes a waiver of the right to contest under subsection (a).

(d) The civil violation penalty shall not be assessed if after a hearing, the hearing officer enters a finding of no liability.

(e) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a law enforcement officer or a representative of the Department, or by actual testimony by either of them. An affidavit of a sworn law enforcement officer or representative of the Department, or actual testimony by either of them, that alleges a civil violation occurred based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is *prima facie* evidence of those facts contained in the affidavit or testified to.

(f) A person who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall also incur an administrative adjudication fee of an additional \$30.00.

(g) It shall be an affirmative defense to the imposition of civil liability under this article, to be proven by a preponderance of the evidence, that:

- (1) The operator of the vehicle was acting in compliance with the lawful order direction of a law enforcement or public safety officer;
- (2) The operator of the vehicle violated the speed limit so as to move out of the way of an immediately approaching authorized emergency vehicle;

- (3) The vehicle was being operated as an authorized emergency vehicle under La. R.S. 32:24, and the operator was acting in compliance with La. R.S. 32:24;
- (4) The vehicle was being operated in accordance with La. R.S. 32:300.3 – Funeral Processions; however, the operators are not exempt if they fail to comply with Division 2 Vehicle Speed.
- (5) The vehicle was being operated by a commissioned law enforcement officer performing authorized/assigned tasks;
- (6) The vehicle was being operated during a bona fide medical emergency which is documented with adequate and sufficient evidence from a medical care facility, as determined by the Department;
- (7) At the time of the violation, the vehicle was in the care, custody or control of another person:
 - (A) As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody and control of the vehicle at the time of the violation.
 - (B) As set forth in a document, or "Assumption of Responsibility," signed and dated by the person, or a representative of the entity, who had the care, custody and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the "Assumption of Responsibility."
 - (i) The tender of a statement of "Assumption of Responsibility" shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.
 - (C) As set forth in a lease, rental contract or other agreement listing the name and mailing address of the person or entity who had the care, custody or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such a case be transferred to the lessee.
- (8) The person who received the notice of civil violation provides adequate documentation as determined by the Director that the person was not the owner of the vehicle at the time of the violation; or
- (9) At the time of the violation the vehicle was stolen or the license plate displayed on the vehicle was a stolen plate. Proof acceptable to the hearing officer and/or the Department must be presented/documentated, indicating the theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.

(h) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil violation penalty or to contest liability is entitled to an administrative adjudication hearing on the violation if:

- (1) The person files an affidavit with the Department stating the date on which the person received the notice of civil violation mailed to the person; and
 - (2) The person files a request for an administrative hearing within forty (40) days from the date of receipt of the notice of civil violation, as stated in the affidavit.
- (A) The decision of the hearing officer shall be the final decision by City-Parish Consolidated Government. A person or persons aggrieved by a

decision may file petition for judicial review to the district court of the parish, within 30 days after the date of entry of the decision.

Sec. 86-188. Order of hearing officer.

Rules for Hearing Officer adjudication:

(a) The hearing officer at administrative adjudication hearings under this article shall issue an order stating:

- (1) Whether the person charged with the violation is responsible for the violation; and
- (2) The amount of any civil violation penalty, late penalty, and administrative adjudication costs assessed against the person.

(b) The orders issued under subsection (a) may be filed with the Department. The Department shall maintain the hearing officer's orders/determination.

Sec. 86-189. Effect of liability; exclusion of civil remedy.

(a) The imposition of a civil violation penalty under this article shall not be considered a criminal conviction.

(b) A civil violation penalty may not be imposed under this article upon the owner of a vehicle if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law enforcement or public safety officer as a violation of any of the provisions of Subpart A, Part IV, Chapter 1 of Title 32 of the Louisiana Revised Statutes if such violation was captured by the system.

(c) The Lafayette City-Parish Attorney and/or a contractor selected in accordance with applicable laws is authorized to file suit to enforce collection of unpaid fines and/or related fees and penalties imposed under section 86-188 by any and all lawful means to secure such payments, including but not limited to referring the debt to collection agencies; and/or initiating actions through a court of competent jurisdiction; or any other lawful means, all in accordance with applicable authority, laws and procedures.

(d) The Director shall ensure, and shall so instruct any contractors selected pursuant to this Section, that unpaid fines and/or related fees and penalties imposed under this Division are enforced in the following manner:

- (1) No fewer than 120 days after issuance of a final order under Sec. 86-181, if a violator has incurred \$125 or more in delinquent penalties (not including late payment penalties or administrative adjudication fees) within the three calendar years preceding issuance of the final order under Sec. 86-181, the debt shall be referred through the contractor to a collection agency to attempt collection.
- (2) No fewer than 120 days after referral to a collection agency, the contractor shall notify the collection agency to cease its attempts at collection for vehicles registered with the Louisiana Department of Motor Vehicles, and the Director shall transfer to the Lafayette City-Parish Attorney all original documents, if any, supplied to either the contractor or collection agency. The Director and the contractor shall ensure that no debts are reported to credit-reporting services.
- (3) Upon receipt of all documents supplied to the contractor or collection agency, the Lafayette City-Parish Attorney shall enforce collection of all unpaid fines, fees, penalties, late payment penalties and administrative adjudication fees in a court of competent jurisdiction for vehicles registered with the Louisiana Department of Motor Vehicles. The City-Parish Attorney may bring suit in the name of the Lafayette City-Parish Consolidated Government or may retain outside counsel to bring suit, in accordance with applicable laws, in the name of the Lafayette City-Parish Consolidated Government.

- (4) The Director or contractor, as applicable, shall supply to the City-Parish Attorney, or outside counsel bringing suit, all materials and/or testimony necessary to support enforcement.
- (5) The Lafayette City-Parish Attorney shall ensure that defendants in enforcement suits authorized by this Section have, until rendition of final judgment, the option of settlement by payment of all outstanding fines, fees, penalties, late payment penalties and administrative adjudication fees, as well as court costs and filing fees incurred (whether prepaid or otherwise) in enforcement. No defendant in such suit shall be required to pay attorney's fees in connection with such settlement.
- (6) The Lafayette City-Parish Attorney shall ensure that any money judgment obtained in a suit to enforce fines levied for violation of this Division shall be recorded in the mortgage records of the Lafayette Parish Clerk of Court as a judicial mortgage against the property of the defendant.

Sec. 86-190. Traffic safety fund.

The penalties, fines, and fees collected from the imposition of civil liability under this article shall be deposited into the traffic safety fund account hereby established by the Lafayette City-Parish Consolidated Government. Funds deposited into this traffic safety fund shall be expended first for the costs of the system (payment to the vendor/operator of the system, public relations, and general implementation of the program). After satisfying this requirement, remaining funds may be used for the following, including, but not limited to, traffic or pedestrian traffic safety programs, intersection traffic safety improvements, driver education, police officers dedicated to traffic safety, or projects or programs related directly to traffic safety.

SECTION 3: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall become effective August 31, 2012 at midnight, upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs last.

* * * * *

Redline on file in Council Office



Michael D. Hebert
City-Parish Attorney

705 W. University Avenue
P. O. Box 4017-C
Lafayette, Louisiana 70502
Tel: (337) 291-8015
Fax: (337) 291-8843
E-mail: mhebert@lafayettela.gov

TO: Dee Stanley

DATE: June 22, 2012

FROM: Mike Hebert

SUBJ: TRAFFIC & TRANSPORTATION - CHAPTER 86 REVISIONS
Electronic Enforcement Provisions
Proposed Ordinance for Introduction July 3, 2012

BACKGROUND:

The Council, during the review of the SafeLight SafeSpeed contract renewal, indicated the desire to modify some aspects of the current Code of Ordinances for Electronic Enforcement. The following items have been identified by Staff and are addressed in the proposed ordinance:

1. Removal of the booting provision as a method of collection for unpaid violation fines of red-light running and speed under the Electronic Enforcement section of the Code of Ordinances.
2. A program to recover unpaid fines for violations.
3. Identifying the Director responsible for the program to be the Chief of Police.
4. Revised the definition of "intersection" to be consistent with the LaDOTD Guidelines for Traffic Enforcement Systems on State Highways.
5. Allows persons to utilize "assumption of responsibility" approach, which allows the driver, who is not the registered owner, to accept responsibility for the violation, thereby, eliminating the need for a notarized signature.
6. Provided specific range of enforceable speeds within the table for School Zones.
7. Speed enforcement units are to be deployed at the direction of the Police Department within School Zones and those locations requested by citizen complaints received by the Police Department.

ANALYSIS:

The attached ordinance incorporates the above noted, as well as, a number of minor editorial changes. The proposed ordinance amends Chapter 86 of the Lafayette City-Parish Code of Ordinances by repealing and replacing Section 86-1 and Sections 86-101 through 86-190.

RECOMMENDATION:

Please forward to the Council for introduction on July 3, 2012 and final adoption on July 17, 2012.

Sincerely,

s/Michael D. Hebert

Michael D. Hebert
City-Parish Attorney

MDH/trt/kr

Attachments

Cc: Dee Stanley
Joey Durel
Tony Tramel
Jim Craft
Ryan Goudelocke
Travis Smith

LAFAYETTE CITY/PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

- 1) JUSTIFICATION FOR REQUEST: An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 86 – Traffic and Vehicles, Part B, Article VIII – Traffic and Vehicles, Article IX – Stopping, Standing, and Parking Regulations, and Article X – Electronic Enforcement by repealing Section 86-1 and Sections 86-101 through 86-190 and adopting revised Section 86-1 and Sections 86-101 through 86-190.
- 2) ACTION REQUESTED: Adoption of ordinance
- 3) COUNCIL DISTRICT(S) (if applicable): N/A
- 4) REQUESTED ACTION OF COUNCIL:
- A) INTRODUCTION: July 3, 2012
- B) FINAL ADOPTION: July 17, 2012
- 5) DOCUMENTATION INCLUDED WITH THIS REQUEST:
- A) Cover Memo from City-Parish Attorney
- B) Submittal Form
- C) Ordinance
- D) Redlined Versions of Ordinance
- 6) FISCAL IMPACT:
- Fiscal Impact (Explain):
- No Fiscal Impact

RECOMMENDED BY:

s/Michael D. Hebert
Director

APPROVED FOR AGENDA

Lorin Toups / D.S.
Chief Administrative Officer

DISPOSITION OF ORDINANCE NO. O-149-2012

1. This ordinance was introduced: Final disposition by Council:
- July 3 2012 July 17, 2012
YEAS: K. Naquin, Castille, Shelvin YEAS: K. Naquin, Shelvin, Boudreaux,
Boudreaux, Bellard, A. Naquin, Bertrand, Bellard, A. Naquin, Bertrand, Patin,
Patin, Theriot Theriot
- NAYS: None NAYS: None
- ABSENT: None ABSENT: Castille
- ABSTAIN: None ABSTAIN: None

AMENDMENT: See Back of Page for Amendments

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on July 6, 2012.
3. This ordinance was presented to the President for his approval on July 20, 2012 at 11:30 o'clock a.m.

Norma A. Sugar
CLERK OF THE COUNCIL

4. Disposition by President:

I hereby:

- A. Approve this ordinance, the 20 day of July, 2012, at 12:30 o'clock p.m.
- B. Veto this ordinance, the _____ day of _____, 2012, at _____ o'clock _____m., veto message is attached.
- C. Line item veto certain items this _____ day of _____, 2012 at _____ o'clock _____m., veto message is attached.

[Signature]
PRESIDENT

5. Returned to Council office ~~with~~/without veto message on July 23, 2012, at 9:05 o'clock a.m.

6. Reconsideration by Council (if vetoed):

On _____, 2012, the Council did/refused to adopt this ordinance after the President's veto.

Norma A. Sugar
CLERK OF THE COUNCIL

7. Full Publication:

Full publication of this ordinance was made in the Advertiser on July 22, 2012.

NOTE: If no approval nor veto of President appears, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.

AMENDED AT FINAL ON JULY 17, 2012

(1) Section 4 of the ordinance be modified to read:

"This ordinance shall become effective August 31, 2012 at midnight, upon the signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City Parish President without signature or veto, or upon an override of a veto, whichever occurs last."

(2) Section 86-174(25): "from \$50.00 to \$0.00" is changed to read:

"from \$50.00 to \$60.00"

(3) Sections 86-180(8)(A) and 86-187(7)(A) are changed to read:

"(A) As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody and control of the vehicle at the time of the violation."



RECEIVED

FEB 19 2013

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Legal Department
City-Parish Attorney (1400)

TO: Dee Stanley

DATE: February 19, 2013

FROM: Michael Hebert

SUBJ: SafeLight, SafeSpeed, and Parking Violations Amnesty Period --
Proposed Ordinance for Introduction March 5, 2013

Through Ordinance O-149-2012, the City-Parish Council amended the provisions of Sections 86-182(c) and 86-189(c) of the Code of Ordinances to made provisions for the City-Parish attorney or his designee to file suit in a court of competent jurisdiction for vehicle owners with unpaid SafeLight and SafeSpeed (SL/SS) violations in the amount of \$125 or more. Working with several other departments, the Legal Department is making final preparations to initiate this process.

In the meantime, however, an amnesty period has been proposed by which those who have unpaid SafeLight/SafeSpeed violations could pay the violations in their originally assessed amount, without the penalties specified for late payment in the various relevant provisions of Chapter 86 of the Code of Ordinances.

The attached proposed ordinance, prepared with the assistance of the Department of Traffic and Transportation, would authorize the above described amnesty period for the month of May, 2013, and the amnesty would also apply to unpaid parking violations.

At the suggestion of the Department of Traffic and Transportation, the attached proposed ordinance also adopts the same collection and suit procedure for unpaid parking violations as the City-Parish Council put in place for SafeLight/SafeSpeed violations.

By establishing this amnesty, it is hoped such action will act as an incentive in paying the violations which are due LCG, which could also save substantial time and expense of the Legal Department begins filing suits to collect these delinquent violations. By eliminating the penalty for each violation, the violator would realize a 33% reduction/savings if the violation is paid during the 30 day amnesty period.

Upon expiration of the amnesty period to be established by this proposed Ordinance, the Legal Department intends to begin the filing of collection suits as directed by Sections 86-182(c) and 86-189(c) of the Code of Ordinances.

If you concur with the foregoing, please forward this proposed ordinance to be placed on the Council's agenda for March 5 introduction and March 19 adoption.



Michael D. Hebert
City-Parish Attorney

MH/TRT/kr

Attachment

LAFAYETTE CITY/PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City-Parish Council establishing an amnesty period with regard to collection of late fees and other penalties related to unpaid parking, red light running, and speeding civil notices of violation and amending Chapter 86 "Traffic and Vehicles," Article IX, "Stopping, Standing, and Parking Regulations," Division 6, "Fees, Fines, and Penalties," by adding Section 176.1 "Effect of Liability; Exclusion of Civil Remedy"

2) **ACTION REQUESTED:** Adoption of ordinance

3) **COUNCIL DISTRICT(S) (if applicable):** N/A

4) **REQUESTED ACTION OF COUNCIL:**

A) **INTRODUCTION:** March 5, 2013

B) **FINAL ADOPTION:** March 19, 2013

5) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Ordinance

B) Submittal Form

C) Cover Memo from City-Parish Attorney

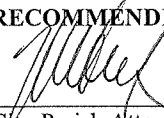
D) O-149-2012

6) **FISCAL IMPACT:**

 X Fiscal Impact (Explain) – Collection could approach ±\$2 M in LCG revenue.

 No Fiscal Impact

7) **RECOMMENDED BY:**



City-Parish Attorney

APPROVED FOR AGENDA:



Chief Administrative Officer